

01-1249-CD
FIRST UNION NATIONAL BANK et al -vs- NANCY J. DALE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FIRST UNION NATIONAL BANK, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY, assignee
of PENNSYLVANIA HOUSING
FINANCE AGENCY, assignee of
MELLON BANK, N.A., assignee of
TOWNE & COUNTRY MORTGAGE
CORP.,

CIVIL DIVISION

NO. *01-1249-CD*

COMPLAINT IN EJECTMENT

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
PA I.D. #3810
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED

AUG 01 2001

William A. Shaw
Prothonotary

COMPLAINT IN EJECTMENT

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 THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND 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 SHOULD 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.

**PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 - EXT. 20**

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

FIRST UNION NATIONAL BANK, AS TRUSTEE
FOR THE PENNSYLVANIA HOUSING FINANCE
AGENCY, Assignee of PENNSYLVANIA HOUSING
FINANCE AGENCY, Assignee of MELLON BANK,
N.A., Assignee of TOWNE & COUNTRY MORTGAGE
CORP.,

Plaintiff,

vs.

NANCY J. DALE,

Defendant,

NO. 01-1249-CD

COMPLAINT IN EJECTMENT

AND NOW, comes the above-captioned Plaintiff, by and through its counsel, Louis P. Vitti & Associates, P.C. and Louis P. Vitti, Esquire, who files this Complaint in Ejectment as follows:

1. The Plaintiff is a corporation having a principal place of business located at 2101 North Front Street, Harrisburg, PA 17105.
2. The Defendant(s) are individuals, *sui juris*, whose last known address was 1701 Clarendon Avenue, Hyde, PA 16843.
3. On September 20, 2001, the Plaintiff or its predecessor in title lent to Defendant(s) and/or their predecessor(s) in title, the sum of Fifty Thousand Four Hundred Sixty and 00/100 (\$50,460.00) Dollars, and in consideration thereof, the Defendant(s) and/or their predecessor(s) in title, executed a mortgage which was recorded on September 26, 2001, in the Office of the Recorder of Deeds of Clearfield County in Mortgage Book Volume 1790, page 596.
4. The premises secured by the mortgage (hereinafter "the Property") are described in the document that is attached hereto, made a part hereof, and called Exhibit "A".

5. The mortgage provides that, in the event of default, the holder thereof has the rights, inter alia, to take possession of the Property and to foreclose the mortgage.

6. Since September 26, 1996, the mortgage has been in default by reason of the failure of the mortgagor(s) to make appropriate payments.

7. An action in mortgage foreclosure was instituted in the Court of Common Pleas of Clearfield County at No. 00-1478-CD, and ultimately a sheriff's sale of the Property -- at which Plaintiff or its predecessor in title was the successful bidder -- occurred on July 6, 2001.

8. Plaintiff, First Union National Bank, As Trustee for the Pennsylvania Housing Finance Agency, et al [or its subrogee pursuant to a policy of mortgage insurance under the National Housing Act] has the right to immediate possession of the Property.

9. Defendant(s) and/or all other occupants continue to occupy the Property.

10. Any alleged claim of Defendant(s) to possession of the Property is as or through the owner(s)/mortgagor(s) described in Paragraph 3 hereof.

WHEREFORE, Plaintiff prays Your Honorable Court enter Judgment in favor of the Plaintiff, First Union National Bank, As Trustee for the Pennsylvania Housing Finance Agency, et al, for sole possession of the Property and vesting the title of said premises in the Plaintiff.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

By:



Louis P. Vitti, Esquire
Attorney for Plaintiff

LEGAL DESCRIPTION

ALL those two certain lots or pieces of ground situate in the Village of Hyde, Township of Lawrence, County of Clearfield, and Commonwealth of Pennsylvania, being known and numbered in the Plan of the Steel and Iron Works Addition to Clearfield, recorded in the Recorder's Office of Clearfield, Pennsylvania, on September 16, 1902, as Lots Numbered 11 and 12 in Block 8, each of said lots fronting 40 feet on Claridon Avenue, formerly Schnarrs Avenue, and extending in depth 120 feet to an alley.

SUBJECT to all exceptions, reservations, restrictions, easements, rights of way, and oil and gas leases as set forth in prior instruments of record and on the recorded plan.

HAVING erected thereon a dwelling known as 1701 Clarendon Avenue, Hyde, PA 16843.

BEING the same premises which Ellen Louise Hansen and Ronald Hansen, her husband, by their deed dated 09/20/1996 and recorded on 09/26/1996 in the Clearfield County, Pennsylvania, Recorder of Deeds Office in Deed Book Volume 1790, page 593, granted and conveyed unto Nancy J. Dale, unmarried.

EXHIBIT "A"

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint in Ejectment are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: July 30, 2001

FILED

AUG 01 2001 at the Vitt, PD \$80.00

100-10105-81 cc Jerry
William A. Shaw
Prothonotary
1 cc at the Vitt

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11325

FIRST UNION NATIONAL BANK

VS.

DALE, NANCY J.

01-240-CD

01-1249-CD

COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW AUGUST 2, 2001 AT 2:09 PM DST SERVED THE WITHIN COMPLAINT IN EJECTMENT ON NANCY J. DALE, DEFENDANT AT RESIDENCE, 1701 CLARENDON AVE., HYDE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO NANCY J. DALE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

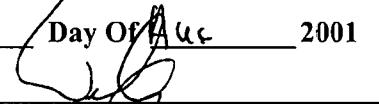
Return Costs

Cost	Description
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19.63	SHFF. HAWKINS PAID BY: ATTY.
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10.00	SURCHARGE PAID BY: ATTY.
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Sworn to Before Me This

7 Day Of Aug 2001


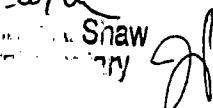
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.

So Answers,


Chester A. Hawkins
Sheriff

FILED
AUG 07

Will
Pro

AUG 07 2001
01/9/00/0
Shaw


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FIRST UNION NATIONAL BANK, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY, assignee of
PENNSYLVANIA HOUSING FINANCE
AGENCY, assignee of MELLON BANK,
N.A., assignee of TOWNE & COUNTRY
MORTGAGE CORP.,

Plaintiff,

vs.

NANCY J. DALE,

Defendant.

CIVIL DIVISION
01-1249-CO
No. ~~01-249-CD~~

**PRAECIPE FOR DEFAULT
JUDGMENT AND CERTIFICATION
OF MAILING AND AFFIDAVIT OF
NON-MILITARY SERVICE**

Code EJECTMENT

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
PA I.D. #3810
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED

SEP 07 2001

William A. Shaw
Prothonotary

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

FIRST UNION NATIONAL BANK, AS)
TRUSTEE FOR THE PENNSYLVANIA)
HOUSING FINANCE AGENCY, assignee of)
PENNSYLVANIA HOUSING FINANCE)
AGENCY, assignee of MELLON BANK, N.A.,)
assignee of TOWNE & COUNTRY MORTGAGE)
CORP.,)
Plaintiff,)
vs.) No. 01-249-CD
NANCY J. DALE,)
Defendant,)

CERTIFICATION OF MAILING

I, Louis P. Vitti, do hereby certify that a Notice of Intention to Take Judgment was mailed to the Defendant(s), in the above-captioned case on August 23, 2001, giving ten (10) day notice that judgment would be entered should no action be taken.

LOUIS P. VITTI & ASSOCIATES, P.C.

BY

~~Louis P. Vitti, Esquire
Attorney for Plaintiff~~

SWORN to and subscribed

before me this 6th day

of September, 2001.

Ann M. Gonzales
Notary Public

Notary Public

NOTARIAL SEAL
Ann M. Gonzales, Notary Public
City of Pittsburgh, County of Allegheny
My Commission Expires Aug. 17, 2004

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

FIRST UNION NATIONAL BANK, AS TRUSTEE)
FOR THE PENNSYLVANIA HOUSING FINANCE)
AGENCY, assignee of PENNSYLVANIA HOUSING)
FINANCE AGENCY, assignee of MELLON BANK,)
N.A., assignee of TOWNE & COUNTRY MORTGAGE)
CORP.,)

Plaintiff,)
vs.) NO. 01-249-CD
)

NANCY J. DALE,)
Defendant,)

IMPORTANT NOTICE

TO: Nancy J. Dale
1701 Clarendon Avenue
Hyde, PA 16843

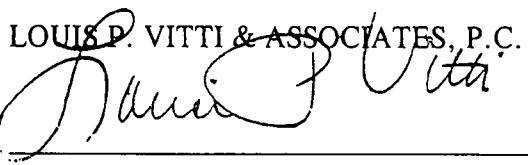
Date of Notice: August 23, 2001

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 (10) 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 YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 19830
(814) 765-2641 - EXT. 20

BY:

LOUIS P. VITTI & ASSOCIATES, P.C.


Louis P. Vitti, Esquire
Attorney for Plaintiff
916 Fifth Avenue
Pittsburgh, PA 15219

** THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

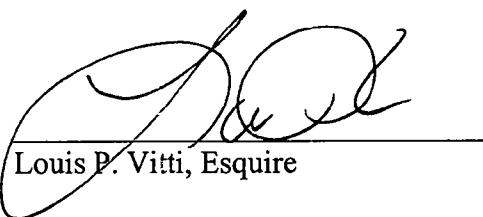
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA, SS:

COUNTY OF ALLEGHENY,

BEFORE me, the undersigned authority, personally appeared Louis P. Vitti, Esquire, who, being duly sworn according to law, deposes and says that he is advised and believes that DEFENDANT(S) is/are not presently in the active military service of the United States of America and not members of the Army of the United States, United States Navy, the Marine Corps, or the Coast Guard, and not officers of the Public Health Service detailed by proper authority for duty with the Army or Navy; nor engaged in any active military service or duty with any military or naval units covered by the Soldiers and Sailors Civil Relief Act of 1940 and designated therein as military service, and to the best of this affiant's knowledge is/are not enlisted in military service covered by said act, and that the averments herein set forth, insofar as they are within his knowledge, are correct, and true; and insofar as they are based on information received from others, are true and correct as he verily believes.

This Affidavit is made under the provisions of the Soldiers and Sailors Civil Relief Act of 1940.

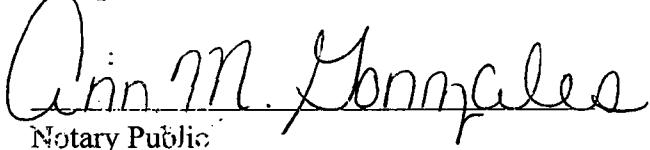


Louis P. Vitti, Esquire

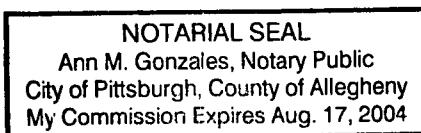
SWORN to and subscribed

before me this 6th day

of September, 2001.



Ann M. Gonzales
Notary Public



FILED

SEP 07 2001

Wm. A. Shaw, Utlipd & 2000
William A. Shaw
Prothonotary

Notice to Dgo.

After
C: Statement to atty

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

FIRST UNION NATIONAL BANK, AS)
TRUSTEE FOR THE PENNSYLVANIA)
HOUSING FINANCE AGENCY, assignee of)
PENNSYLVANIA HOUSING FINANCE)
AGENCY, assignee of MELLON BANK, N.A.,)
assignee of TOWNE & COUNTRY MORTGAGE)
CORP.,)
Plaintiff,)
vs.) No. 01-249-CD
NANCY J. DALE,) 01-1249-CD
Defendant,)

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: DEFENDANT(S)

You are hereby notified that a judgment was entered in the above-captioned proceeding on the 7th day of September, 2001.

Judgment is as follows: Be advised that judgment was entered in default of an Answer for Possession and in eviction and/or ejectment in the above-mentioned case.


Deputy

****THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.****

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FIRST UNION NATIONAL BANK, AS
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY, assignee of
PENNSYLVANIA HOUSING FINANCE
AGENCY, assignee of MELLON BANK,
N.A., assignee of TOWNE & COUNTRY
MORTGAGE CORP.,

Plaintiff,

vs.

NANCY J. DALE,

Defendant.

CIVIL DIVISION
01-1249-CD
No. 01-249-CD

**PRAECIPE FOR WRIT OF
POSSESSION AND AFFIDAVIT OF
LAST KNOWN ADDRESS**

Code EJECTMENT

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
PA I.D. #3810
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED

SEP 07 2001

William A. Shaw
Prothonotary

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

FIRST UNION NATIONAL BANK, AS)
TRUSTEE FOR THE PENNSYLVANIA)
HOUSING FINANCE AGENCY, assignee of)
PENNSYLVANIA HOUSING FINANCE)
AGENCY, assignee of MELLON BANK, N.A.,)
assignee of TOWNE & COUNTRY MORTGAGE)
CORP.,)
Plaintiff,)
vs.) No. 01-249-CD
NANCY J. DALE,)
Defendant,)

PRAECIPE FOR WRIT OF POSSESSION

TO: CLEARFIELD COUNTY PROTHONOTARY

Please issue a Writ of Possession in the above-captioned case for the property situate in the Village of Hyde, Twp. of Lawrence, Clearfield Cty., Cmwlth of PA. Being known & numbered in the Plan of the Steel & Iron Works Addition to Clearfield as Lots numbered 11 & 12 in Block 8 HET a dwg. k/a 1701 Clarendon Ave., Hyde, PA 16843. Parcel #123-J9-269-102.

LOUIS P. VITTI & ASSOCIATES, P.C.

~~Louis P. Vitti, Esquire
Attorney for Plaintiff~~

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

FIRST UNION NATIONAL BANK, AS)
TRUSTEE FOR THE PENNSYLVANIA)
HOUSING FINANCE AGENCY, assignee of)
PENNSYLVANIA HOUSING FINANCE)
AGENCY, assignee of MELLON BANK, N.A.,)
assignee of TOWNE & COUNTRY MORTGAGE)
CORP.,)
)
Plaintiff,)
vs.) No. 01-249-CD
)
NANCY J. DALE,)
)
Defendant,)

AFFIDAVIT

I, Louis P. Vitti, do hereby swear that, to the best of my knowledge, information and belief, the Defendant(s), Nancy J. Dale, is/are the owners of the real property on which the Plaintiff seeks to execute. That the Defendant('s)(s') last known address is 1701 Clarendon Avenue, Hyde, PA 16843.

Louis P. Vitti, Esquire

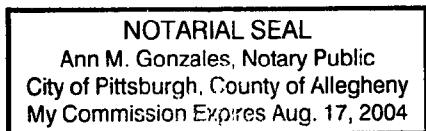
SWORN to and subscribed

before me this 6th day

of September, 2001.

Ann M. Gonzales
Notary Public

Notary Public



FILED

SEP 07 2001
M 2.25/ctly Uth PD
\$20.00

Writ to Sheriff
ECK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

WRIT OF POSSESSION

**First Union National Bank, as trustee for the Pennsylvania
Housing Finance Agency, assignee of Pennsylvania
Housing Finance Agency, assignee of
Mellon Bank, N.A., Assignee of Towne & Country
Mortgage Corp.**

Plaintiff(s)

Vs.

NO.: 2001-01249-CD

Nancy J. Dale

Defendant(s)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

To the Sheriff of Clearfield County:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver possession of the following described property to: Plaintiff(s)

Situate in the village of Hyde, Twp. of Lawrence, Clearfield County, Being known and numbered in the Plan of Steel Works Addition to Clearfield as Lots numbered 11 & 12 in Block 8 HET a dwg. k/a 1701 Clarendon Avenue, Hyde, PA 16843. Parcel #123-J9-269-102.

(2) To satisfy the costs against Defendant(s) you are directed to levy upon the above listed property of Defendant(s) and sell his/their interests therein.

William A. Shaw, Prothonotary

Received writ this _____ day of

A.D. _____
at _____ a.m./p.m.

Sheriff

REQUESTING PARTY NAME: Louis P. Vitti, Esquire
ATTORNEY FILING: Louis P. Vitti, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

WRIT OF POSSESSION

First Union National Bank, as trustee for the Pennsylvania
Housing Finance Agency, assignee of Pennsylvania
Housing Finance Agency, assignee of
Mellon Bank, N.A., Assignee of Towne & Country
Mortgage Corp.

FILED

OCT 01 2001
01330pm
William A. Shaw
Prothonotary

Plaintiff(s)

Vs.

NO.: 2001-01249-CD

Nancy J. Dale

Defendant(s)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

To the Sheriff of Clearfield County:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver possession of the following described property to: Plaintiff(s)

Situate in the village of Hyde, Twp. of Lawrence, Clearfield County, Being known and numbered in the Plan of Steel Works Addition to Clearfield as Lots numbered 11 & 12 in Block 8 HET a dwg. k/a 1701 Clarendon Avenue, Hyde, PA 16843. Parcel #123-J9-269-102.

(2) To satisfy the costs against Defendant(s) you are directed to levy upon the above listed property of Defendant(s) and sell his/their interests therein.



William A. Shaw, Prothonotary

COPY
Received with this 5th day of
September A.D. 2001
at 3:00 a.m./p.m.

Sheriff by Margaret H. Put

REQUESTING PARTY NAME: Louis P. Vitti, Esquire
ATTORNEY FILING: Louis P. Vitti, Esquire

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11491

FIRST UNION NATIONAL BANK, ET AL

01-1249-CD

VS.

DALE, NANCY L.

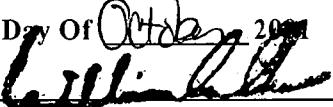
WRIT OF POSSESSION

SHERIFF RETURNS

**NOW, OCTOBER 1, 2001, RETURN WRIT AS WRIT NOT SERVED, RESIDENCE
EMPTY.PAID COSTS FROM ADVANCE AND MADE REFUND OF UNUSED
ADVANCE TO THE ATTORNEY.**

**SHERIFF COSTS \$11.60
SURCHARGE
PAID BY ATTORNEY**

Sworn to Before Me This

1st Day Of October 2001


WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan 2002
Clearfield Co., Clearfield, PA.

So Answers,


by Margaret N. Pitt
Chester A. Hawkins
Sheriff