

01-2046-CD  
TEMARK, LLC -vs- RICHARD CALLAHAN et al

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC,

Plaintiff,

vs.

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Irvona,  
PA 16656,

Defendants.

**CIVIL DIVISION**

**NO: 01-2046-CO**

**Code and Classification:**

**TITLE OF PLEADING:**

COMPLAINT IN EJECTMENT

**FILED ON BEHALF OF:**

Telmark, LLC, Plaintiff

**COUNSEL OF RECORD:**

Owen W. Katz, Esquire  
Pa. I. D. # 36473  
938 Penn Avenue, 8<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 281-1015

**FILED**

DEC 26 2001

William A. Shaw  
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC,

**CIVIL DIVISION**

Plaintiff,

**NO:**

**vs.**

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Irvona,  
PA 16656,

Defendants.

**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 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.

Court Administrator  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC,

**CIVIL DIVISION**

Plaintiff,

**NO:**

**vs.**

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Irvona,  
PA 16656,

Defendants.

**COMPLAINT IN EJECTMENT**

AND NOW comes TELMARK, LLC ("Plaintiff"), by and through the undersigned counsel,  
and files this COMPLAINT IN EJECTMENT, whereof the following is a statement:

**PARTIES**

1. Plaintiff is a limited liability company having a principle place of business at 333 Butternut Drive, DeWitt, New York, 13214.
2. RICHARD and PHYLLIS GALLAHER ("Defendants") are husband and wife with a last known address and place of business at RD 1, Box 123, Irvona, PA 16656.
3. Plaintiff also joins hereto, in accordance with Pa.R.C.P. No. 410(b), any and all persons not named as a party who are found in possession of the property.

**BACKGROUND AND RELIEF REQUESTED**

4. Plaintiff is the record owner of real estate know as RD 1, Box 123, Irvona, PA 16656 (the "Real Property"), having acquired title by Sheriff's deed issued in accordance with a sheriff's sale duly held in Clearfield County, on August 3, 2001. The sheriff's sale was authorized

under the terms of a foreclosure action and judgment entered thereon in the Court of Common Pleas of Clearfield County at Case No. 00-521-CD.

5. The sheriff's deed conveying the Real Property to Plaintiff was duly recorded in the office for the Recorder of Deeds of Clearfield County, on August 31, 2001, at Instrument No. 200113857. A true and correct copy of the deed is attached hereto as an Exhibit and incorporated herein. The deed contains a full legal description of the Real Property.

6. Defendants have continued to occupy the Real Property without the authority, permission or consent of Plaintiff since August 31, 2001.

7. Neither Defendants or any Other Persons in Possession (collectively the "Defendants"), have any valid legal right to possession of the Real Property.

8. Plaintiff has the right to sole and complete possession of the Real Property to the exclusion of all Defendants by virtue of the purchase of the property at the sheriff's sale.

WHEREFORE, Plaintiff demands judgment in ejectment against Defendants for possession of the Real Property, together with the costs of this action, and such other relief as deemed to be fair, just and equitable.

Respectfully Submitted,

TELMARK, LLC.

Date: October 26, 2001

By:   
Owen W. Katz, Esq.  
Pa. I. D. # 36473  
938 Penn Avenue, 8<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 281-1015

**EXHIBIT**

SHERIFF'S DEED

ACT OF 1905

KAREN L. STARCH  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
2000113857  
RECORDED ON  
AUG 21 2001  
2:51:50 PM  
Total Pages: 4

AFFIDAVIT No. 54582

## Know all Men by these Presents,

That I, Chester A. Hawkins, High Sheriff of the County of Clearfield, in the State of Pennsylvania, for and in consideration of the sum of 1.00 + COSTS

dollars, to me in hand, do hereby grant and convey to TELMARK, LLC

the following described property, to wit:

ALL those certain lots or parcels of ground situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST THEREOF: BEGINNING at a post on right of way of Pennsylvania Railroad; thence by line of lands now or formerly of Thomas Hamilton, South 62° West, Eighteen (18) rods to post on Witmer Run; thence by low water mark of said run, South 8° East, Twenty and Two-tenths (20.2) rods to a post; thence by lands now or formerly of Witmer Land & Coal Company, North 63° East, Seven and Four-tenths (7.4) rods to a post on right of way of Pennsylvania Railroad; thence by said Railroad right-of-way North 3° 30' West, Thirty Four (34) rods to post; thence by the same North 9° West, Twelve and Two-tenths (12.2) rods to the place of beginning. Containing 3 acres, 118 perches, and being part of Benjamin Young Tract.

EXCEPTING AND RESERVING all coal, oil, clay and other minerals.

SECOND THEREOF: BEGINNING at a post corner on right-of-way of Penna. Railroad; thence South 62 degrees West along land now or formerly of Mervin Brink and Mary Brink, his wife, one hundred (100) feet to post corner on land now or formerly of Mervin Brink and Mary Brink, his wife, thence continuing along land now or formerly of Mervin Brink and Mary Brink, his wife, South 8 degrees East, seventy-five (75) feet to post corner of land now or formerly of Mervin Brink and Mary Brink, his wife; thence continuing along land now or formerly of Mervin Brink and Mary Brink, his wife, West (63) degrees East, one hundred (100) feet to right-of-way of Penna. Railroad; thence along line of said right-of-way North 3 degrees 30 minutes West 75 feet to post corner and place of beginning.

RESERVING AND EXCEPTING all the clay-oil, coal and other minerals as fully as are reserved in deed from Witmer Land and Coal Co. to Mervin Brink and Mary Brink, his wife as well as such other reservations which appear within the chain of title.

Map #101-H16-000-33 and #101-H16-000-34.

BEING the same premises conveyed by Robert E. Hamilton and Anna M. Hamilton, husband and wife, to Phyllis Josephine Gallaher, by deed dated October 5, 1994 and recorded October 6, 1994 in Clearfield County Record Book 1636, page 103.

EXCEPTING THAT PORTION conveyed by deed dated July 28, 1995, from Phyllis Josephine Gallaher to Thomas J. Ross et ux, as is found recorded in the Office of the Register and Recorder of Clearfield County at Deed Book Volume 1692 at Page 530 (now k/a Map #101-H126-000-60).

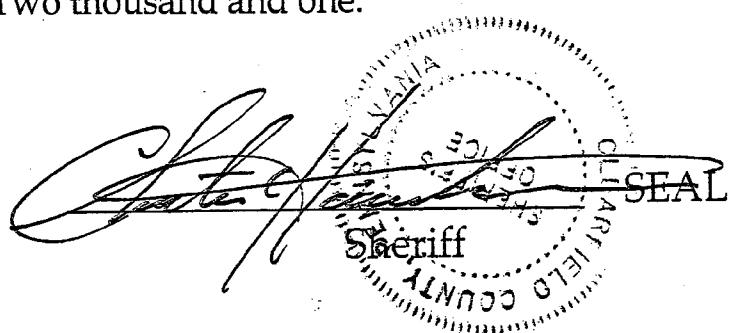
SEIZED, taken in execution and sold as the property of PHYLLIS JOSEPHINE GALLAHER, at the suit of TELMARK, LLC. JUDGMENT NO. 00-521-CD.

Now, AUGUST 31, 2001 the same having been sold by me to the said grantee  
on the 3RD day of AUGUST Anno Domini Two thousand and one  
after due advertisement according to law, under and by virtue of a writ of execution  
issued on the 20TH day of APRIL Anno Domini Two thousand and one out of  
the Court of Common Pleas of said County of Clearfield as of case number  
00-521-CD at the suit of  
TELMARK, LLC

against

PHYLLIS JOSEPHINE GALLAHER

IN WITNESS WHEREOF, I have hereunto affixed my signature this 31ST  
day of AUGUST Anno Domini Two thousand and one.



State of Pennsylvania  
County of Clearfield

On this the 31ST day of AUGUST , 2001, before me a Prothonotary, the undersigned officer personally appeared, **Chester A. Hawkins**, High Sheriff of the State of Pennsylvania known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity reinstated and for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal.

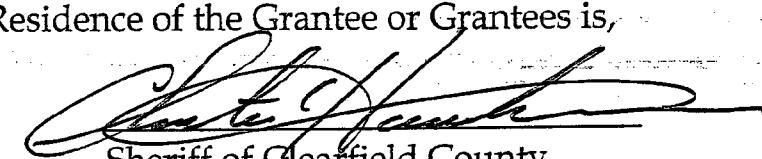


Prothonotary, Title of Officer

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

#### CERTIFICATE OF RESIDENCE

"I hereby Certify that the precise Residence of the Grantee or Grantees is,



Sheriff of Clearfield County

TELMARK, LLC  
938 PENN AVENUE 8TH FLOOR  
PITTSBURGH, PA 15222

Deed - Doll.

No.

**Chester A. Hawkins**  
High Sheriff of Clearfield County

TO

TELMARK, LLC

938 PENN AVENUE 8TH FLOOR  
PITTSBURGH, PA 15212

**SHERIFF DEED**

Dated AUGUST 31, 2001

For \$1.00 + COSTS

Sold as the property of

PHYLLIS JOSEPHINE GALLAHER

Sold on Writ of Execution 00-521-CD

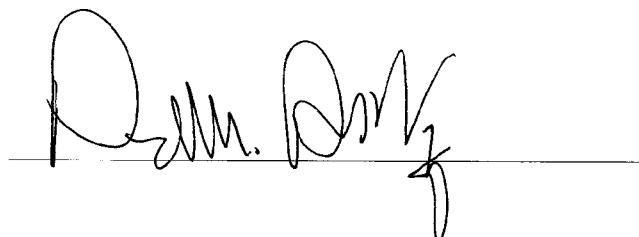
**VERIFICATION**

DAVID M. DiVencenzo, Region Collection Mgr., of/with Telmark, LLC, and am authorized  
[State position or title]

by it to make this verification, and that the facts set forth in the foregoing Pleading are true and correct  
to the best of my personal knowledge, information and belief.

I understand that my statements are made subject to 18 Pa. Cons. Stat. §4904 providing for  
criminal penalties for unsworn falsification to authorities.

Date: 10/25/01



29 Jan 02 Document  
Reinstated/Reissued to Sheriff, Attorney  
for service.

Deputy Prothonotary

Willie Allen

Accrued

Prod 480.00

William A. Shaw  
Prothonotary  
DEC 20 2001

**FILED**

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC,

Plaintiff,

vs.

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Irvona,  
PA 16656,

Defendants.

**CIVIL DIVISION**

**NO: 01-02046-CD**

**TITLE OF PLEADING:**

PRAECIPE TO REINSTATE  
COMPLAINT

**FILED ON BEHALF OF:**

Telmark, LLC, Plaintiff

**COUNSEL OF RECORD:**

Owen W. Katz, Esquire  
Pa. I. D. # 36473  
938 Penn Avenue, 8<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 281-1015

**FILED**

**JAN 29 2002**

**William A. Shaw  
Prothonotary**

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC,

**CIVIL DIVISION**

Plaintiff,

**NO: 01-02046-CD**

**vs.**

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Irvona,  
PA 16656,

Defendants.

**PRAECIPE TO REINSTATE COMPLAINT**

TO: Prothonotary

Kindly reinstate the COMPLAINT with respect to the above-referenced matter and mark the  
docket accordingly.

Respectfully submitted,

TELMARK, LLC.

Date: January 25, 2002

By: \_\_\_\_\_  
Owen W. Katz, Esq.  
Pa. I. D. # 36473  
938 Penn Avenue  
Pittsburgh, PA 15222  
(412) 281-1015

FILED

JAN 29 2002

M) 8591 with Katz pd 7.00  
William A. Shaw  
Prothonotary

*Re* 2 Comps. wns to Sheriff

~~1-29-02~~ Document  
Reissued to Sheriff/Attorney  
for service.

*W.A. Shaw*  
Deputy Prothonotary

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 11884

TELMARK, LLC

01-2046-CD

VS.

GALLAHER, RICHARD & PHYLLIS

**COMPLAINT IN EJECTMENT**

**SHERIFF RETURNS**

**NOW JANUARY 23, 2002 AT 11:25 AM EST SERVED THE WITHIN COMPLAINT IN EJECTMENT ON RICHARD GALLAHER, DEFENDANT AT RESIDENCE, APT 6, REAR, BERWIND ST., IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RICHARD GALLAHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.**

**SERVED BY: MARSHALL/NEVLING.**

**NOW JANUARY 23, 2002 AT 11:42 AM EST SERVED THE WITHIN COMPLAINT IN EJECTMENT ON PHYLLIS GALLAHER, DEFENDANT AT RESIDENCE, SR 53, IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PHYLLIS GALLAHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HER THE CONTENTS THEREOF.**

**SERVED BY: NEVLING/MARSHALL**

---

**Return Costs**

**Cost      Description**

**59.10 SHFF. HAWKINS PAID BY: ATTY.**

**20.00 SURCHARGE PAID BY: ATTY.**

**FILED**

**MAR 18 2002**

**018:SI**

**William A. Shaw  
Prothonotary**

**Sworn to Before Me This**

18th Day Of March, 2002  
William A. Shaw

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

**So Answers,**

*Chester A. Hawkins  
by Marilyn Hanner*  
Chester A. Hawkins  
Sheriff  
*EAD*

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11884

TELMARK, LLC

01-2046-CD

VS.

GALLAHER, RICHARD & PHYLLIS

**COMPLAINT IN EJECTMENT**

**SHERIFF RETURNS**

NOW MARCH 18, 2002 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN  
THE WITHIN COMPLAINT IN EJECTMENT "NOT FOUND" AS TO OCCUPANTS OF  
PROPERTY OF RICHARD & PHYLLIS GALLAHER, DEFENDANTS. HOUSE IS EMPTY.

**Return Costs**

Cost	Description
27.55	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

**FILED**

MAR 18 2002  
018:53  
William A. Shaw  
Prothonotary

**Sworn to Before Me This**

18th Day Of May 2002  
William A. Shaw

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

**So Answers,**

Chester A. Hawkins  
My Manlyn Hams  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

TELMARK, LLC,

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and all other persons in possession of Real  
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PA 16656,

Defendants.

**CIVIL DIVISION**

NO: 01-2046-C0

**Code and Classification:**

**TITLE OF PLEADING:**

COMPLAINT IN EJECTMENT

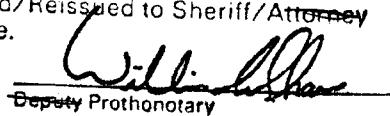
**FILED ON BEHALF OF:**

Telmark, LLC, Plaintiff

**COUNSEL OF RECORD:**

Owen W. Katz, Esquire  
Pa. I. D. # 36473  
938 Penn Avenue, 8<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 281-1015

129.02 Document  
Reinstate/Reissued to Sheriff/Attorney  
for service.

  
Willa M. Shae  
Deputy Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

TELMARK, LLC,

CIVIL DIVISION

Plaintiff,

NO:

vs.

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
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Court Administrator  
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Clearfield, PA 16830  
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

TELMARK, LLC,

CIVIL DIVISION

Plaintiff,

NO:

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Defendants.

**COMPLAINT IN EJECTMENT**

AND NOW comes TELMARK, LLC ("Plaintiff"), by and through the undersigned counsel,  
and files this COMPLAINT IN EJECTMENT, whereof the following is a statement:

**PARTIES**

1. Plaintiff is a limited liability company having a principle place of business at 333 Butternut Drive, DeWitt, New York, 13214.
2. RICHARD and PHYLLIS GALLAHER ("Defendants") are husband and wife with a last known address and place of business at RD 1, Box 123, Irvona, PA 16656.
3. Plaintiff also joins hereto, in accordance with Pa.R.C.P. No. 410(b), any and all persons not named as a party who are found in possession of the property.

**BACKGROUND AND RELIEF REQUESTED**

4. Plaintiff is the record owner of real estate know as RD 1, Box 123, Irvona, PA 16656 (the "Real Property"), having acquired title by Sheriff's deed issued in accordance with a sheriff's sale duly held in Clearfield County, on August 3, 2001. The sheriff's sale was authorized

under the terms of a foreclosure action and judgment entered thereon in the Court of Common Pleas of Clearfield County at Case No. 00-521-CD.

5. The sheriff's deed conveying the Real Property to Plaintiff was duly recorded in the office for the Recorder of Deeds of Clearfield County, on August 31, 2001, at Instrument No. 200113857. A true and correct copy of the deed is attached hereto as an Exhibit and incorporated herein. The deed contains a full legal description of the Real Property.

6. Defendants have continued to occupy the Real Property without the authority, permission or consent of Plaintiff since August 31, 2001.

7. Neither Defendants or any Other Persons in Possession (collectively the "Defendants"), have any valid legal right to possession of the Real Property.

8. Plaintiff has the right to sole and complete possession of the Real Property to the exclusion of all Defendants by virtue of the purchase of the property at the sheriff's sale.

WHEREFORE, Plaintiff demands judgment in ejectment against Defendants for possession of the Real Property, together with the costs of this action, and such other relief as deemed to be fair, just and equitable.

Respectfully Submitted,

TELMARK, LLC.

Date: October 26, 2001

By:

Owen W. Katz, Esq.

Pa. I. D. # 36473

938 Penn Avenue, 8<sup>th</sup> Floor

Pittsburgh, PA 15222

(412) 281-1015

**EXHIBIT**

AFFIDAVIT No. 54587

KAREN L. STARK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
2001113357  
RECORDED ON  
2-5-1-50 PM  
Total Pages: 4

SEARCH FEES -	\$13.00
RECORDER	
DUTY IMPROVEMENT	\$1.00
MD	
RECORDER	\$1.00
IMPROVEMENT FUND	
DATE MRT TAX	\$0.50
TOTAL	\$15.50

CUSTOMER  
CLEARFIELD CO SHERIFF

## Know all Men by these Presents,

That I, Chester A. Hawkins, High Sheriff of the County of Clearfield, in the State of Pennsylvania, for and in consideration of the sum of 1.00 + COSTS

dollars, to me in hand, do hereby grant and convey to TELMARK, LLC

the following described property, to wit:

ALL those certain lots or parcels of ground situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST THEREOF: BEGINNING at a post on right of way of Pennsylvania Railroad; thence by line of lands now or formerly of Thomas Hamilton, South 62° West, Eighteen (18) rods to post on Witmer Run; thence by low water mark of said run, South 8° East, Twenty and Two-tenths (20.2) rods to a post; thence by lands now or formerly of Witmer Land & Coal Company, North 63° East, Seven and Four-tenths (7.4) rods to a post on right of way of Pennsylvania Railroad; thence by said Railroad right-of-way North 3° 30' West, Thirty Four (34) rods to post; thence by the same North 9° West, Twelve and Two-tenths (12.2) rods to the place of beginning. Containing 3 acres, 118 perches, and being part of Benjamin Young Tract.

EXCEPTING AND RESERVING all coal, oil, clay and other minerals.

SECOND THEREOF: BEGINNING at a post corner on right-of-way of Penna. Railroad; thence South 62 degrees West along land now or formerly of Mervin Brink and Mary Brink, his wife, one hundred (100) feet to post corner on land now or formerly of Mervin Brink and Mary Brink, his wife, thence continuing along land now or formerly of Mervin Brink and Mary Brink, his wife, South 8 degrees East, seventy-five (75) feet to post corner of land now or formerly of Mervin Brink and Mary Brink, his wife; thence continuing along land now or formerly of Mervin Brink and Mary Brink, his wife, West (67) degrees East, one hundred (100) feet to right-of-way of Penna. Railroad; thence along line of said right-of-way North 3 degrees 30 minutes West 75 feet to post corner and place of beginning.

RESERVING AND EXCEPTING all the clay-oil, coal and other minerals as fully as are reserved in deed from Witmer Land and Coal Co. to Mervin Brink and Mary Brink, his wife as well as such other reservations which appear within the chain of title.

Map #101-H16-000-33 and #101-H16-000-34.

BEING the same premises conveyed by Robert E. Hamilton and Anna M. Hamilton, husband and wife, to Phyllis Josephine Gallaher, by deed dated October 5, 1994 and recorded October 6, 1994 in Clearfield County Record Book 1636, page 103.

EXCEPTING THAT PORTION conveyed by deed dated July 28, 1995, from Phyllis Josephine Gallaher to Thomas J. Ross et ux, as is found recorded in the Office of the Register and Recorder of Clearfield County at Deed Book Volume 1692 at Page 530 (now k/a Map #101-H126-000-60).

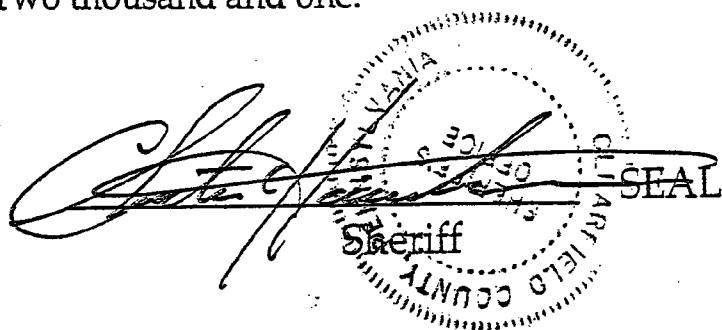
SEIZED, taken in execution and sold as the property of PHYLIS JOSEPHINE GALLAHER, at the suit of TELMARK, LLC. JUDGMENT NO. 00-521-CD.

Now, AUGUST 31, 2001 the same having been sold by me to the said grantee  
on the 3RD day of AUGUST Anno Domini Two thousand and one  
after due advertisement according to law, under and by virtue of a writ of execution  
issued on the 20TH day of APRIL Anno Domini Two thousand and one out of  
the Court of Common Pleas of said County of Clearfield as of case number  
00-521-CD at the suit of  
TELMARK, LLC

against

PHYLLIS JOSEPHINE GALLAHER

IN WITNESS WHEREOF, I have hereunto affixed my signature this 31ST  
day of AUGUST Anno Domini Two thousand and one.



State of Pennsylvania  
County of Clearfield

On this the 31ST day of AUGUST , 2001, before me a Prothonotary, the undersigned officer personally appeared, Chester A. Hawkins, High Sheriff of the State of Pennsylvania known to me (or satisfactory proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity reinstated and for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal.



Prothonotary, Title of Officer

WILLIAM A. SHAW

Prothonotary

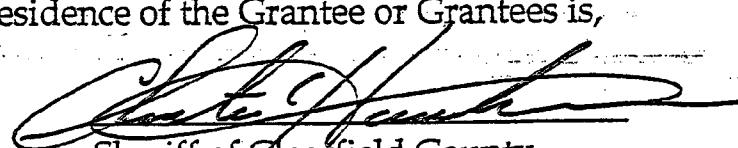
My Commission Expires

1st Monday in Jan. 2002

Clearfield Co. Clearfield, PA.

#### CERTIFICATE OF RESIDENCE

"I hereby Certify that the precise Residence of the Grantee or Grantees is,

  
Sheriff of Clearfield County

TELMARK, LLC  
938 PENN AVENUE 8TH FLOOR  
PITTSBURGH, PA 15222

Deed - Poll.

No.

**Chester A. Hawkins**  
High Sheriff of Clearfield County

TO

**TELMARK, LLC**

**938 PENN AVENUE 8TH FLOOR**  
**PITTSBURGH, PA 15212**

**SHERIFF DEED**

Dated AUGUST 31, 2001

For \$1.00 + COSTS

Sold as the property of

**PHYLLIS JOSEPHINE GALLAHER**

Sold on Writ of Execution 00-521-CD

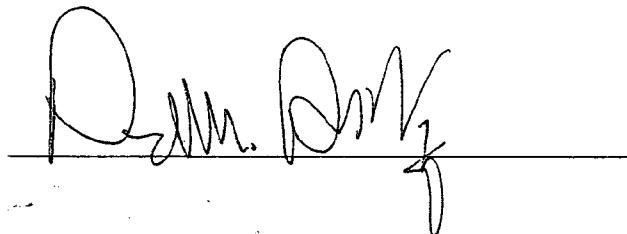
**VERIFICATION**

DAVID M. DiVincenzo Region Collection Mgr. of/with Telmark, LLC, and am authorized  
[State position or title]

by it to make this verification, and that the facts set forth in the foregoing Pleading are true and correct  
to the best of my personal knowledge, information and belief.

I understand that my statements are made subject to 18 Pa. Cons. Stat. §4904 providing for  
criminal penalties for unsworn falsification to authorities.

Date: 10/25/01

A handwritten signature in black ink, appearing to read "DAVID M. DiVincenzo", is written over a horizontal line. The signature is fluid and cursive, with "DAVID M." on the left and "DiVincenzo" on the right.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC,

Plaintiff,

vs.

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Iriona,  
PA 16656,

Defendants.

**CIVIL DIVISION**

**NO: 01-2046-CD**

**Code and Classification:**

**TITLE OF PLEADING:**

**COMPLAINT IN EJECTMENT**

**FILED ON BEHALF OF:**

Telmark, LLC, Plaintiff

**COUNSEL OF RECORD:**

Owen W. Katz, Esquire  
Pa. I. D. # 36473  
938 Penn Avenue, 8<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 281-1015

1-29-02 Document  
Reinstated/Reissued to Sheriff's Attorney  
for service. Willie L. Harlan

Deputy Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC,

**CIVIL DIVISION**

Plaintiff,

**NO:**

**vs.**

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Irvona,  
PA 16656,

Defendants.

**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 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.

Court Administrator  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

TELMARK, LLC,

CIVIL DIVISION

Plaintiff,

NO:

vs.

RICHARD and PHYLLIS GALLAHER;  
and all other persons in possession of Real  
Property known as RD 1, Box 123, Irvona,  
PA 16656,

Defendants.

**COMPLAINT IN EJECTMENT**

AND NOW comes TELMARK, LLC ("Plaintiff"), by and through the undersigned counsel,  
and files this COMPLAINT IN EJECTMENT, whereof the following is a statement:

**PARTIES**

1. Plaintiff is a limited liability company having a principle place of business at 333 Butternut Drive, DeWitt, New York, 13214.
2. RICHARD and PHYLLIS GALLAHER ("Defendants") are husband and wife with a last known address and place of business at RD 1, Box 123, Irvona, PA 16656.
3. Plaintiff also joins hereto, in accordance with Pa.R.C.P. No. 410(b), any and all persons not named as a party who are found in possession of the property.

**BACKGROUND AND RELIEF REQUESTED**

4. Plaintiff is the record owner of real estate know as RD 1, Box 123, Irvona, PA 16656 (the "Real Property"), having acquired title by Sheriff's deed issued in accordance with a sheriff's sale duly held in Clearfield County, on August 3, 2001. The sheriff's sale was authorized

under the terms of a foreclosure action and judgment entered thereon in the Court of Common Pleas of Clearfield County at Case No. 00-521-CD.

5. The sheriff's deed conveying the Real Property to Plaintiff was duly recorded in the office for the Recorder of Deeds of Clearfield County, on August 31, 2001, at Instrument No. 200113857. A true and correct copy of the deed is attached hereto as an Exhibit and incorporated herein. The deed contains a full legal description of the Real Property.

6. Defendants have continued to occupy the Real Property without the authority, permission or consent of Plaintiff since August 31, 2001.

7. Neither Defendants or any Other Persons in Possession (collectively the "Defendants"), have any valid legal right to possession of the Real Property.

8. Plaintiff has the right to sole and complete possession of the Real Property to the exclusion of all Defendants by virtue of the purchase of the property at the sheriff's sale.

WHEREFORE, Plaintiff demands judgment in ejectment against Defendants for possession of the Real Property, together with the costs of this action, and such other relief as deemed to be fair, just and equitable.

Respectfully Submitted,

TELMARK, LLC.

Date: October 26, 2001

By:   
Owen W. Katz, Esq.  
Pa. I. D. # 36473  
938 Penn Avenue, 8<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 281-1015

**EXHIBIT**

JUDGMENT NUMBER  
2000143357

RECORDED ON

July 23, 2001  
2:51:50 PM

Total Pages: 4

SEARCHING FEES -	\$13.00
EXCORER	
DUTY IMPROVEMENT	\$1.00
TOTAL	
SEARCHER IMPROVEMENT FUND	\$1.00
WIT. TAX	\$0.50
TOTAL	\$15.50

CUSTOMER  
JENIFIELD CO SHERIFF

AFFIDAVIT No. 54587

## Know all Men by these Presents,

That I, Chester A. Hawkins, High Sheriff of the County of Clearfield, in the State of Pennsylvania, for and in consideration of the sum of 1.00 + COSTS

dollars, to me in hand, do hereby grant and convey to TELMARK, LLC

the following described property, to wit:

ALL those certain lots or parcels of ground situate in Beccaria Township, Clearfield County, Pennsylvania, bounded and described as follows:

FIRST THEREOF: BEGINNING at a post on right of way of Pennsylvania Railroad; thence by line of lands now or formerly of Thomas Hamilton, South 62° West, Eighteen (18) rods to post on Witmer Run; thence by low water mark of said run, South 8° East, Twenty and Two-tenths (20.2) rods to a post; thence by lands now or formerly of Witmer Land & Coal Company, North 63° East, Seven and Four-tenths (7.4) rods to a post on right of way of Pennsylvania Railroad; thence by said Railroad right-of-way North 3° 30' West, Thirty Four (34) rods to post; thence by the same North 9° West, Twelve and Two-tenths (12.2) rods to the place of beginning. Containing 3 acres, 118 perches, and being part of Benjamin Young Tract.

EXCEPTING AND RESERVING all coal, oil, clay and other minerals.

SECOND THEREOF: BEGINNING at a post corner on right-of-way of Penna. Railroad; thence South 62 degrees West along land now or formerly of Mervin Brink and Mary Brink, his wife, one hundred (100) feet to post corner on land now or formerly of Mervin Brink and Mary Brink, his wife, thence continuing along land now or formerly of Mervin Brink and Mary Brink, his wife, South 8 degrees East, seventy-five (75) feet to post corner of land now or formerly of Mervin Brink and Mary Brink, his wife; thence continuing along land now or formerly of Mervin Brink and Mary Brink, his wife, West (63) degrees East, one hundred (100) feet to right-of-way of Penna. Railroad; thence along line of said right-of-way North 3 degrees 30 minutes West 75 feet to post corner and place of beginning.

RESERVING AND EXCEPTING all the clay-oil, coal and other minerals as fully as are reserved in deed from Witmer Land and Coal Co. to Mervin Brink and Mary Brink, his wife as well as such other reservations which appear within the chain of title.

Map #101-H16-000-33 and #101-H16-000-34.

BEING the same premises conveyed by Robert E. Hamilton and Anna M. Hamilton, husband and wife, to Phyllis Josephine Gallaher, by deed dated October 5, 1994 and recorded October 6, 1994 in Clearfield County Record Book 1636, page 103.

EXCEPTING THAT PORTION conveyed by deed dated July 28, 1995, from Phyllis Josephine Gallaher to Thomas J. Ross et ux, as is found recorded in the Office of the Register and Recorder of Clearfield County at Deed Book Volume 1692 at Page 530 (now k/a Map #101-H126-000-60).

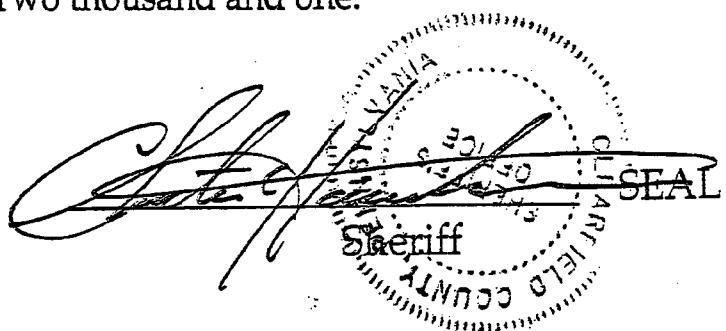
SEIZED, taken in execution and sold as the property of PHYLLIS JOSEPHINE GALLAHER, at the suit of TELMARK, LLC. JUDGMENT NO. 00-521-CD.

Now, AUGUST 31, 2001 the same having been sold by me to the said grantee  
on the 3RD day of AUGUST Anno Domini Two thousand and one  
after due advertisement according to law, under and by virtue of a writ of execution  
issued on the 20TH day of APRIL Anno Domini Two thousand and one out of  
the Court of Common Pleas of said County of Clearfield as of case number  
00-521-CD at the suit of  
TELMARK, LLC

against

PHYLLIS JOSEPHINE GALLAHER

IN WITNESS WHEREOF, I have hereunto affixed my signature this 31ST  
day of AUGUST Anno Domini Two thousand and one.



State of Pennsylvania  
County of Clearfield

On this the 31ST day of AUGUST , 2001, before me a Prothonotary, the undersigned officer personally appeared, Chester A. Hawkins, High Sheriff of the State of Pennsylvania known to me (or satisfactory proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity reinstated and for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal.

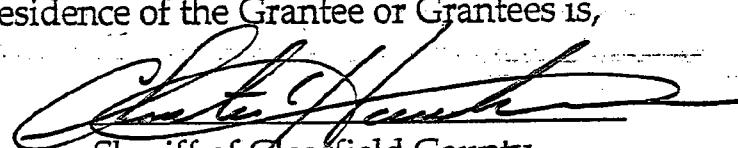


Prothonotary, Title of Officer

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

#### CERTIFICATE OF RESIDENCE

"I hereby Certify that the precise Residence of the Grantee or Grantees is,

  
Sheriff of Clearfield County

TELMARK, LLC  
938 PENN AVENUE 8TH FLOOR  
PITTSBURGH, PA 15222

Deed - Poll.

No.

Chester A. Hawkins  
High Sheriff of Clearfield County

TO

TELMARK, LLC

938 PENN AVENUE 8TH FLOOR  
PITTSBURGH, PA 15212

SHERIFF DEED

Dated AUGUST 31, 2001

For \$1.00 + COSTS

Sold as the property of

PHYLIS JOSEPHINE GALLAHER

Sold on Writ of Execution 00-521-CD

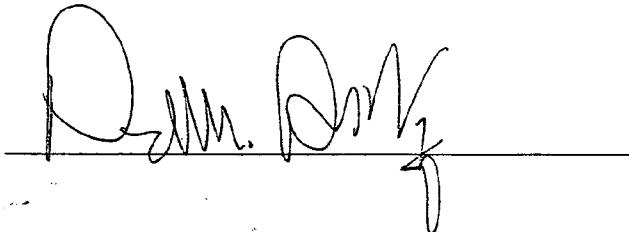
**VERIFICATION**

DAVID M. DiVencenzo Region Collection Mgr. of/with Telmark, LLC, and am authorized  
[State position or title]

by it to make this verification, and that the facts set forth in the foregoing Pleading are true and correct  
to the best of my personal knowledge, information and belief.

I understand that my statements are made subject to 18 Pa. Cons. Stat. §4904 providing for  
criminal penalties for unsworn falsification to authorities.

Date: 10/25/01

A handwritten signature in black ink, appearing to read "DAVID M. DiVencenzo", is written over a horizontal line. The signature is fluid and cursive, with "DAVID M." on the left and "DiVencenzo" on the right.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC.,

**CIVIL DIVISION**

Plaintiff,

**NO: 01-2046-CD**

**vs.**

RICHARD and PHYLLIS GALLAHER,

**TITLE OF PLEADING:**

Defendants.

PLAINTIFF'S PRAECIPE FOR DEFAULT  
JUDGMENT PURSUANT TO Pa.R.C.P.  
1037(b)

**FILED ON BEHALF OF:**

Telmark, LLC, Plaintiff

**COUNSEL OF RECORD:**

Owen W. Katz, Esquire  
Pa. I. D. # 36473  
938 Penn Avenue  
Pittsburgh, PA 15222  
(412) 281-1015

**FILED**

APR 05 2002

11/11/02  
William A. Shaw  
Prothonotary not to day

Stad. to Atty  
HPS

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

TELMARK, LLC.,

**CIVIL DIVISION**

Plaintiff,

**NO: 01-2046-CD**

**vs.**

RICHARD and PHYLLIS GALLAHER,

Defendants.

**PLAINTIFF'S PRAECIPE FOR DEFAULT JUDGMENT**  
**PURSUANT TO Pa.R.C.P. 1037(b)**

TO THE PROTHONOTARY:

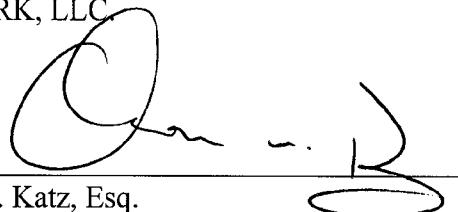
Kindly enter judgment in Ejectment for possession of the real estate as defined in the Complaint, that being RD 1, Box 123, Irvona, PA 16656 (Map #101-H16-000-33 and #101-H16-000-34), in favor of Plaintiff TELMARK, LLC., and against Defendants, RICHARD and PHYLLIS GALLAHER, for failure to file an Answer or otherwise respond in the above captioned action at the number and term within (20) days from the date of service of the Complaint

I certify that a written notice of intention to file this praecipe was mailed to Defendant after the default occurred and at least ten (10) days before the date of filing this praecipe. A copy of the notice is attached. I further certify that the defendant is not in active military service. The undersigned verifies that statements of fact in this praecipe are true and correct and are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities.

Respectfully Submitted:

TELMARK, LLC

Date: 4/1/02

By:   
Owen W. Katz, Esq.  
Pa. I. D. # 36473  
938 Penn Avenue  
Pittsburgh, PA 15222  
(412) 281-1015

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

TELMARK, LLC.,  
Plaintiff,

vs.  
RICHARD and PHYLLIS GALLAHER,  
Defendants.

**CIVIL DIVISION**

**NO: 01-2046-CD**

**IMPORTANT NOTICE**

TO: Phyllis Gallaher  
SR 53  
Irvona, PA 16656

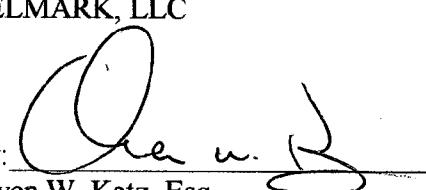
Richard Gallaher  
Apt. 6, Rear  
Berwind Street  
Irvona, PA 16656

Date of Notice: March 20, 2002

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 JUDGEMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Court Administrator  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830  
(814) 765-2641

TELMARK, LLC

By:   
Owen W. Katz, Esq.  
Pa. I. D. # 36473  
938 Penn Avenue  
Pittsburgh, PA 15222  
(412) 281-1015

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TELMARK, LLC.,  
Plaintiff,

vs.  
RICHARD and PHYLLIS GALLAHER,  
Defendants.

CIVIL DIVISION

NO: 01-2046-CD

**COPY**

**NOTICE OF JUDGMENT**

TO: Phyllis Gallaher  
SR 53  
Irvona, PA 16656

Richard Gallaher  
Apt. 6, Rear  
Berwind Street  
Irvona, PA 16656

You are hereby notified that the following Order, Decree or Judgment has been entered against you on April 5, 2002.

(X) Judgment of  Confession  Verdict  
 Default  Non-Suit  
 Non-Pros  Arbitration Award

(X) **Judgment in ejectment for possession of the Real Property known as RD 1, Box 123, Irvona, PA 16656 (Map #101-H16-000-33 and #101-H16-000-34).**

PROTHONOTARY

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

If you should have any questions regarding the above, please contact:

Owen W. Katz, Esq.  
Counsel for Plaintiff  
938 Penn Avenue  
Pittsburgh, PA 15222  
(412) 281-1015