

02-1266- CD
BANKERS TRUST COMPANY OF CA -vs- DARL C. FERGUSON ET AL.

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorney for Plaintiff

Bankers Trust Company of	:	Clearfield County
California, N.A., as Custodian	:	Court of Common Pleas
or Trustee	:	
Three Park Plaza, 16 th Floor	:	
Irvine, CA 92714	:	
	:	
v.	:	
Darl C. Ferguson	:	Number 02-1266-CO
524 Chestnut Avenue	:	
Dubois, PA 15801	:	
and	:	
Bonnie L. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	

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 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 HELP.

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

FILED

AUG 14 2002
01350/atty McCABE *Shaw*
William A. Shaw
AVISO Prothonotary *pd 80.00*
2cc Shaw

**Raymond L. Billotte, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 51**

**Raymond L. Billotte, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 51**

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorney for Plaintiff

Bankers Trust Company of California, N.A., as Custodian or Trustee	:	Clearfield County Court of Common Pleas
Three Park Plaza, 16 th Floor	:	
Irvine, CA 92714	:	
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and	:	
Bonnie L. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	

COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 524 Chestnut Avenue, Dubois, Pennsylvania 15801, the full legal description of which is attached hereto, made a part hereof, and marked as Exhibit "A."

2. Plaintiff acquired title by reason of a Sheriff's Sale conducted by the Sheriff of Clearfield County on July 12, 2002, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 01-177 CD the suit of Bankers Trust Company of California, N.A., as Custodian or Trustee v. Darl C. Ferguson and Bonnie L. Ferguson.

3. Defendants are in possession of the foregoing described premises without title, color of title, or benefit of a lease from Plaintiff.

4. Defendants are wrongfully and unlawfully in possession of the premises.

5. Defendants have no rights of possession to said premises.

6. Defendants at the time this action is brought are still unlawfully and willfully retaining possession of said premises and continue to do so and have detained and continue to detain and keep the Plaintiff out of possession thereof and refuse to vacate and deliver up the said premises to Plaintiff, though requested by Plaintiff to do so.

7. Defendants have willfully remained in possession of Plaintiff's property and have refused and still refuse to vacate premises and still occupy the same.

WHEREFORE, Plaintiff demands a judgment be entered in its favor for possession of the property.

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, verify that the statements made in the foregoing document are true and correct to the best of my 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.

Terrence J. McCabe
TERRENCE J. MCCABE, ESQUIRE
Attorney for Plaintiff

ALL that certain lot or piece of ground lying and situate in the City of DuBois, Clearfield County, Pennsylvania and being bounded and described as follows, to wit:

BOUNDED on the North by Chesnut Avenue; on the East by Lot No. 287; on the South by an alley; and on the West by Lot No. 285. Said lot being 50 feet wide on the South side of Chesnut Avenue by 150 feet deep to an alley, and 50 feet wide on said alley. Known and described as Lot No. 286 as per A. R. Var. Tassel's Addition to DuBois.

Identified as Clearfield County Assessment Map #013-000-03777.

1291

EXHIBIT "A"

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12936

BANKERS TRUST COMPANY OF CALIFORNIA

02-1266-CD

VS.

FERGUSON, DARL C. & BONNIE L.

COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW AUGUST 21, 2002 AT 11:20 AM DST SERVED THE WITHIN COMPLAINT
IN EJECTMENT ON BONNIE L. FERGUSON, DEFENDANT AT RESIDENCE,
524 CHESTNUT AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY
HANDING TO BONNIE L. FERGUSON A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HER THE
CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

NOW AUGUST 21, 2002 AT 11:20 AM DST SERVED THE WITHIN COMPLAINT
IN EJECTMENT ON DARL C. FERGUSON, DEFENDANT AT RESIDENCE,
524 CHESTNUT AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY
HANDING TO BONNIE FERGUSON, WIFE A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HER THE CONTENTS
THEREOF.

SERVED BY: COUDRIET/RYEN

Return Costs

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

Sworn to Before Me This

20 Day Of Sept 2002


So Answers,


by 
Chester A. Hawkins
Sheriff

FILED



SEP 20 2002

2:44

William A. Shaw
Prothonotary

'McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. MCCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

Bankers Trust Company of	:	Clearfield County
California, N.A., as Custodian	:	Court of Common Pleas
or Trustee	:	
Three Park Plaza, 16 th Floor	:	
Irvine, CA 92714	:	
	:	
v.	:	
	:	Number 02-1266-CO
Darl C. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	
and	:	
Bonnie L. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	

PRAECIPE

TO THE PROTHONOTARY:

Kindly enter judgment for possession against the Defendants,
Darl C. Ferguson and Bonnie L. Ferguson, in the above-captioned
matter for failure to answer Complaint in twenty days as required
by Pennsylvania Rules of Civil Procedure.

Terrence J. McCabe
TERRENCE J. MCCABE, ESQUIRE
Attorney for Plaintiff

FILED

SEP 26 2002

William A. Shaw
Prothonotary

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

Bankers Trust Company of California, N.A., as Custodian or Trustee : Clearfield County Court of Common Pleas
Three Park Plaza, 16th Floor :
Irvine, CA 92714 :
:
v. : Number 02-1266-CO
Darl C. Ferguson :
524 Chestnut Avenue :
Dubois, PA 15801 :
and :
Bonnie L. Ferguson :
524 Chestnut Avenue :
Dubois, PA 15801 :
:

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS.

COUNTY OF PHILADELPHIA :

The undersigned, being duly sworn according to law, deposes and says that the Defendants are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940 as amended; and that the Defendants, Darl C. Ferguson and Bonnie L. Ferguson, are over eighteen (18) years of age, and reside at 524 Chestnut Avenue, Dubois, PA 15801.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 24th DAY
OF September, 2002.

Michelle A. Holack
NOTARY PUBLIC

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

JURAT SEAL
MICHAEL A. HOLACK, Notary Public
City of Philadelphia, Phila. County
Commission Expires March 28, 2003

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. MCCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

Bankers Trust Company of California, N.A., as Custodian or Trustee	:	Clearfield County Court of Common Pleas
Three Park Plaza, 16 th Floor	:	
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and	:	
Bonnie L. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	

CERTIFICATION

Terrence J. McCabe, attorney for Plaintiff, being duly sworn according to law, deposes and says that he deposited in the United States Mail letters notifying the Defendants that judgment would be entered against them within ten (10) days from the date of said letters in accordance with Rule 237.1 of the Pennsylvania Rules of Civil Procedure. Copies of said letters are attached hereto and marked as Exhibit "A".

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 24th DAY
OF September, 2002.

Terrence J. McCabe
TERRENCE J. MCCABE, ESQUIRE
Attorney for Plaintiff

Michelle A. Holack
NOTARY PUBLIC



VERIFICATION

The undersigned, TERRENCE J. McCABE, ESQUIRE, hereby certifies that he is the attorney for the Plaintiff in the within action and that he is authorized to make this verification and that the foregoing facts are true and correct to the best of his knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 P.A.C.S. Section 4909 relating to unsworn falsification to authorities.



TERRENCE J. McCABE, ESQUIRE

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830

William A. Shaw
Prothonotary

September 11, 2002

To: Darl C. Ferguson
524 Chestnut Avenue
Dubois, PA 15801

Bankers Trust Company of California, N.A.,
as Custodian or Trustee

Clearfield County
Court of Common Pleas

vs.

Darl C. Ferguson
and
Bonnie L.. Ferguson

Number 02-1266-CO

**NOTICE, RULE 237.5
NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

IMPORTANT NOTICE

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 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

NOTIFICACION IMPORTANTE

Usted se encuentra en estado de rebeldia por no haber presentado una comparecencia escrita, ya sea personalmente o por abogado y por no haber radicado por escrito con este Tribunal sus defensas u objeciones a los reclamos formulados en contra suyo. Al no tomar la accion debida dentro de diez (10) dias de la fecha de esta notificacion, el Tribunal podra, sin necesidad de comparecer usted en corte u oir prueba alguna, dictar sentencia en su contra y usted podria perder bienes u otros derechos importantes. Debe llevar esta notificacion a un abogado inmediatamente. Si usted no tiene abogado, o si no tiene dinero suficiente para tal servicio, vaya en persona o llame por telefono a la oficina, nombrada para averiguar si puede conseguir asistencia legal.

Dave Meholick
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

Dave Meholick
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

If you have any questions concerning this notice, please call:

Terrence J. McCabe, Esquire
McCABE, WEISBERG AND CONWAY, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
at this telephone number: (215) 790-1010

TJM/cc

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830

William A. Shaw
Prothonotary

September 11, 2002

To: Bonnie L. Ferguson
524 Chestnut Avenue
Dubois, PA 15801

Bankers Trust Company of California, N.A.,
as Custodian or Trustee

vs.

Darl C. Ferguson
and
Bonnie L.. Ferguson

Clearfield County
Court of Common Pleas

Number 02-1266-CO

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Terrence J. McCabe, Esquire
McCABE, WEISBERG AND CONWAY, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
at this telephone number: (215) 790-1010

TJM/cc

FILED

1cc Atty
1cc Notice to
each Def
SEP 26 2002

Statement to Atty

William A. Shaw Atty pd. 20.00 J
Prothonotary

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830

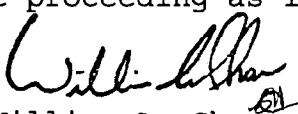
William A. Shaw
Prothonotary

To: Darl C. Ferguson
524 Chestnut Avenue
Dubois, PA 15801

Bankers Trust Company of California, N.A., as Custodian or Trustee	:	Clearfield County Court of Common Pleas
Three Park Plaza, 16 th Floor	:	
Irvine, CA 92714	:	
	:	
v.	:	Number 02-1266-CO
Darl C. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	
and	:	
Bonnie L. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	

NOTICE

Pursuant to Rule 236, you are hereby notified that a JUDGMENT has been entered in the above proceeding as indicated below.


William A. Shaw
Prothonotary

9/26/02

Judgment by Default
 Money Judgment
 Judgment in Replevin
 Judgment for Possession

If you have any questions concerning this Judgment, please call Terrence J. McCabe, Esquire at (215) 790-1010.

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830

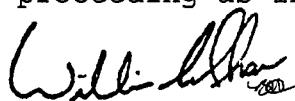
William A. Shaw
Prothonotary

To: Bonnie L. Ferguson
524 Chestnut Avenue
Dubois, PA 15801

Bankers Trust Company of California, N.A., as Custodian or Trustee
Three Park Plaza, 16th Floor
Irvine, CA 92714 : Clearfield County Court of Common Pleas
v. :
Darl C. Ferguson : Number 02-1266-CO
524 Chestnut Avenue :
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William A. Shaw
Prothonotary 9/26/02

Judgment by Default
 Money Judgment
 Judgment in Replevin
 Judgment for Possession

If you have any questions concerning this Judgment, please call Terrence J. McCabe, Esquire at (215) 790-1010.

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

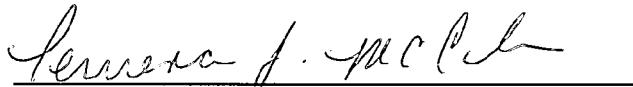
Attorney for Plaintiff

Bankers Trust Company of California, N.A., as Custodian or Trustee	:	Clearfield County Court of Common Pleas
Three Park Plaza, 16 th Floor	:	
Irvine, CA 92714	:	
	:	
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Darl C. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	
and	:	
Bonnie L. Ferguson	:	
524 Chestnut Avenue	:	
Dubois, PA 15801	:	

PRAECIPE FOR WRIT OF POSSESSION

TO THE PROTHONOTARY:

Kindly issue Writ of Possession in the above-captioned matter.


TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

FILED

SEP 26 2002

William A. Shaw
Prothonotary

FILED

Atty pd. 20.00

SEP 20 2002

1 cc w/ leave to property
descriptions to Shff

William A. Shaw
Prothonotary

1 cc to Atty

ES

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830

COPY

Bankers Trust Company of California, N.A., as Custodian or Trustee : Clearfield County Court of Common Pleas
Three Park Plaza, 16th Floor :
Irvine, CA 92714 :
: v. :
: : Number 02-1266-CO
Darl C. Ferguson :
524 Chestnut Avenue :
Dubois, PA 15801 :
and :
Bonnie L. Ferguson :
524 Chestnut Avenue :
Dubois, PA 15801 :
:

WRIT OF POSSESSION

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 Bankers Trust Company of California, N.A., As Custodian or Trustee :

524 Chestnut Avenue, Dubois, PA 15801
(more fully described in legal description attached)

(2) To satisfy the costs against _____
_____ you are directed to levy upon any property of _____
_____ and sell his interest
therein.

Prothonotary

BY: Willie Blair
DATE: 9/26/02

COURT OF COMMON PLEAS

DOCKET NUMBER: 02-1266-CO

Bankers Trust Company of California, N.A.,
As Custodian or Trustee
10790 Rancho Bernardo Road
San Diego, CA 92127

v

Darl C. Ferguson
Bonnie L. Ferguson
524 Chestnut Avenue
Dubois, PA 15801

WRIT OF POSSESSION

McCabe, Weisberg & Conway, P.C.
Terrence J. McCabe, Esquire
I.D. # 16496
123 S. Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

[Handwritten signature]

ALL that certain lot or piece of ground lying and situate in the City of DuBois, Clearfield County, Pennsylvania and being bounded and described as follows, to wit:

BOUNDED on the North by Chesnut Avenue; on the East by Lot No. 287; on the South by an alley; and on the West by Lot No. 285. Said lot being 50 feet wide on the South side of Chesnut Avenue by 150 feet deep to an alley, and 50 feet wide on said alley. Known and described as Lot No. 286 as per A. R. Van Tassel's Addition to DuBois.

(Identified as Clearfield County Assessment Map #013-000-03777.

291

EXHIBIT "A"

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13149

BANKERS TRUST COMPANY OF CALIFORNIA

02-1266-CD

VS.

FERGUSON, DARAL C.

WRIT OF EXECUTION POSSESSION

SHERIFF RETURNS

**NOW, NOVEMBER 4, 2002, RETURN WRIT AS WRIT NOT SERVED, RESIDENCE
EMPTY. PAID COSTS FROM THE ADVANCE AND MADE REFUND OF UNUSED ADVANCE
TO THE ATTORNEY.**

**SHERIFF HAWKINS \$44.35
SURCHARGE \$20.00
PAID BY ATTORNEY**

Sworn to Before Me This

4th Day Of Nov 2002
Will A. Shaw

Deputy Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester Hawkins
By Captain Billie Augherbaugh
Chester A. Hawkins
Sheriff

FILED

*01/2/2003
NOV 04 2002
WAS*

**William A. Shaw
Prothonotary**