

03-434-CD
WACHOVIA BANK, NATIONAL ASSOCIATION, f/k/a FIRST UNION
NATIONAL BANK VS. THOMAS A. IRVIN AND/OR TENANT/OCCUPANT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NATIONAL
ASSOCIATION, f/k/a FIRST UNION
NATIONAL BANK (Trustee for the
PENNSYLVANIA HOUSING FINANCE
AGENCY),

CIVIL DIVISION

NO. 2603 - 434 - C9

COMPLAINT IN EJECTMENT

Plaintiff,

Code: EJECTMENT

Filed on behalf of
Plaintiff

Counsel of record for this
party:

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

Defendant.

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

(412) 281-1725

FILED

MAR 26 2003

in 2:20/m
William A. Shaw Esq
Prothonotary
2 CEN to S HEN

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

WACHOVIA BANK, NATIONAL ASSOCIATION, : NO.
f/k/a FIRST UNION NATIONAL BANK (Trustee :
for the PENNSYLVANIA HOUSING FINANCE :
AGENCY), :
Plaintiff, :
vs. :
THOMAS A. IRVIN AND/OR :
TENANT/OCCUPANT, :
Defendant. :
:

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 RR #1, Deer Creek Road, Morrisdale, PA 16858.
3. On December 8, 1999, the Plaintiff or its predecessor in title lent to Defendant(s) and/or their predecessor(s) in title, the sum of Twenty-Four Thousand, Three Hundred Twenty-Two and No/100 (\$24,322.00) Dollars, and in consideration thereof, the Defendant(s) and/or their predecessor(s) in title, executed a mortgage which was recorded on December 8, 1999, in the Office of the Recorder of Deeds of Clearfield County in Instrument No. 199920121.

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 November 1, 2001, 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. 02-1466 CD, and ultimately a sheriff's sale of the Property -- at which Plaintiff or its predecessor in title was the successful bidder -- occurred on February 7, 2003.

8. Plaintiff, Wachovia Bank, National Association, f/k/a First Union National Bank, (as Trustee for the Pennsylvania Housing Finance Agency) has the right to immediate possession of the Property.

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

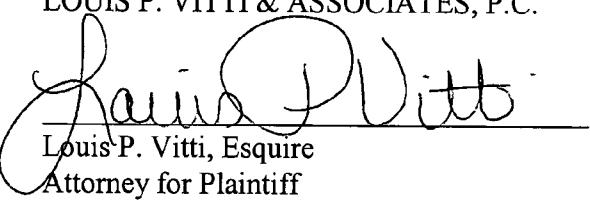
10. Any alleged claim of Defendant(s) to possession of the Property is as or through the owner(s)/mortgagor(s) described in Paragraph 3 herof.

WHEREFORE, Plaintiff prays Your Honorable Court enter Judgment in favor of the Plaintiff, Wachovia Bank, National Association, f/k/a First Union National Bank, (as Trustee for the Pennsylvania Housing Finance Agency), 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 that certain piece or parcel of land situated in the Township of Graham, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the North side of a fifty foot (50.0) wide access road. Said point is also the Southeast corner of Lot No. 5; thence along Lot No. 5 North no degrees five minutes forty-five seconds East three hundred forty-eight and ninety-three hundredths (348.93) feet to an iron pin on line of, now or formerly, Althea M. Hubler; thence along lands of same North eighty-nine degrees thirty-three minutes East two hundred fifty-one and thirty-five hundredths (251.35) feet to an iron pin; thence along other lands of Grantor South no degrees five minutes forty-five seconds West three hundred forty-eight and ninety-three hundredths (348.93) feet to an iron pin located on the North side of a fifty foot (50.0) wide access road; thence along said road South eighty-nine degrees thirty-three minutes West two hundred fifty-one and thirty-five hundredths (251.35) feet to an iron pin and place of beginning. Known as Lot No. 7 on map prepared by P.R. Mondock for Shirokey Surveys and dated May 25, 1999. Containing 2.0133 acres.

HAVING erected thereon a dwelling known as RR #1, Deer Creek Road, Morrisdale, PA 16858.

PARCEL NO. 116-Q8-72.

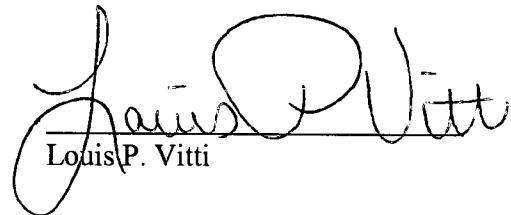
BEING the same premises which Barbara G. Baughman and William F. Baughman, her husband, by deed dated 12/08/1999 and recorded on 12/08/1999 in Clearfield County, Pennsylvania, Recorder of Deeds Office in Instrument No. 199902120, granted and conveyed unto Thomas A. Irvin, a single individual.

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: March 19, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NATIONAL
ASSOCIATION, f/k/a FIRST UNION
NATIONAL BANK (Trustee for the
PENNSYLVANIA HOUSING FINANCE
AGENCY),

CIVIL DIVISION

NO.

COMPLAINT IN EJECTMENT

Plaintiff,

Code: EJECTMENT

Filed on behalf of
Plaintiff

Counsel of record for this
party:

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

Defendant.

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

(412) 281-1725

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13864

WACHOVIA BANK

03-434-CD

VS.

IRVIN, THOMAS A. and/or TENANT/OCCUPANT

COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW APRIL 1, 2003 AT 2:03 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON THOMAS A. IRVIN, DEFENDANT AT RESIDENCE, 416 H. BAUGHMAN LANE, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO THOMAS IRVIN A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: NEVLING/COUDRIET

NOW APRIL 1, 2003 AT 2:03 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON OCCUPANT/TENANT AT 416 H BAUGHMAN LANE, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ESTER WATERSON, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: NEVLING/COUDRIET

FILED

AS
MAY 19 2003
6/2/03
William A. Shaw
Prothonotary/Clerk of Courts

Return Costs

Cost	Description
26.45	SHERIFF HAWKINS PAID BY: ATTY CK# 15088
20.00	SURCHARGE PAID BY: ATTY CK# 15089

Sworn to Before Me This

19 Day Of May 2003
C.A. Hawkins

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

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

Notice of Proposed Termination of Court Case

October 23, 2007

RE: 2003-00434-CD

Jersey Shore State Bank

Vs.

Thomas Irvin
Tenant/Occupant

FILED

OCT 23 2007


William A. Shaw
Prothonotary/Clerk of Courts

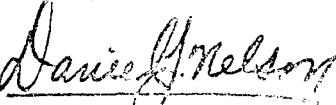
Dear Louis P. Vitti, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **December 24, 2007**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,


Daniel J. Nelson

Daniel J. Nelson
Court Administrator

Notice of Proposed Termination of Court Case

October 23, 2007

RE: 2003-00434-CD

Jersey Shore State Bank

Vs.

Thomas Irvin
Tenant/Occupant

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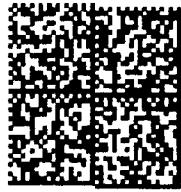
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By the Court,



Daniel J. Nelson
Court Administrator

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830



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16830
William A. Shaw
Prothonotary/Clerk of Courts

03-434-CD

Notice of Proposed Termination of Court Case

October 23, 2007

RE: 2003-00434-CD

Jersey Shore State Bank

Vs.

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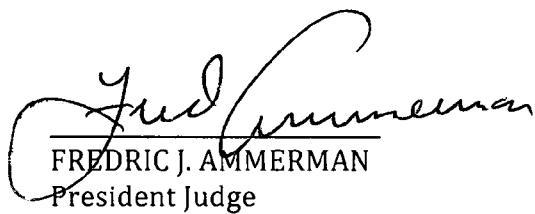
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WACHOVIA BANK, NATIONAL ASSOCIATION, * NO. 2003-434-CD
PENNSYLVANIA HOUSING FINANCE AGENCY *
Plaintiffs *
vs. *
THOMAS IRVIN, *
TENANT/OCCUPANT *
Defendants *

ORDER

NOW, this 28th day of February, 2013, upon the Court's review of the record, with the Court noting from the docket there has been no activity in the case since May 20, 2003, and that a Notice of Proposed Termination of Court Case had been mailed to the parties October 23, 2007 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901 the case is hereby DISMISSED for inactivity. The Prothonotary shall code the case in Full Court as Z-1901A.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 1cc A/H
01/8/2013 L. V/H:
2013

William A. Shaw
Prothonotary/Clerk of Courts