

03-713-CD
THE CHASE MANHATTAN BANK, vs. ROBERT WAGNER, et al.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION**

The Chase Manhattan Bank, as Trustee

Docket# *03-713-CD*

v.

Complaint in Ejectment

Robert Wagner or Occupants

Ejectment

CERTIFICATE OF LOCATION:

I hereby certify that the
Location of the Real Estate
Which is the subject of this
Litigation is:

RR1 Box 14 Locust Street
Coalport, PA 16627

Counsel of Record for
Plaintiff:

Martha E. VonRosenstiel
Attorney I.D.# 52634

16 South Lansdowne Avenue
Lansdowne, PA 19050
(610) 623-2660
(610) 623-2745 – fax

BY:

Martha E. Von Rosenstiel, Esquire

FILED

MAY 09 2003

William A. Shaw
Prothonotary

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
610 623-2660
Attorney I.D.# 52634

Attorney for Plaintiff

THE CHASE MANHATTAN BANK, AS : COURT OF COMMON PLEAS
TRUSTEE : CLEARFIELD COUNTY
C/O FAIRBANKS CAPITAL CORP, 3815 S. :
WEST TEMPLE :
SALT LAKE CITY UT 84115-4412 :
PLAINTIFF : CASE NO:
VS. :
ROBERT WAGNER OR OCCUPANTS :
RR1 BOX 14 LOCUST STREET :
COALPORT PA 16627 :
DEFENDANT

CIVIL ACTION – 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 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.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar una comparencia 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 a visado que si usted no se defiende, la corte toma ra 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 o otros de rechos importantes para usted.

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

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
(800) 692-7375
Pennsylvania Bar Association
P.O. Box 186, Harrisburg, PA 17108

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
610 623-2660
Attorney I.D.# 52634

Attorney for Plaintiff

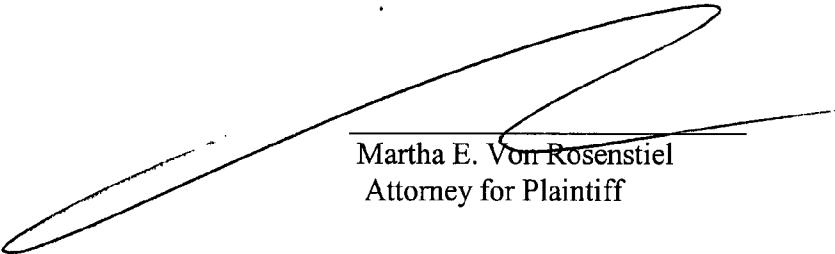
THE CHASE MANHATTAN BANK, AS	:	COURT OF COMMON PLEAS
TRUSTEE	:	CLEARFIELD COUNTY
C/O FAIRBANKS CAPITAL CORP, 3815 S.	:	
WEST TEMPLE	:	
SALT LAKE CITY UT 84115-4412	:	
PLAINTIFF	:	CASE NO:
	:	
VS.	:	
ROBERT WAGNER OR OCCUPANTS	:	
RR1 BOX 14 LOCUST STREET	:	
COALPORT PA 16627	:	
DEFENDANT		

CIVIL ACTION – EJECTMENT

1. Plaintiff, The Chase Manhattan Bank, as Trustee, is the owner of premises known as RR1 Box 14 Locust Street Coalport PA 16627, more fully described in the legal description attached hereto as Exhibit I.
2. Plaintiff claims title to the aforesaid property by virtue of a Sheriff's sale held on March 7th, 2003 in the execution of a judgment in mortgage foreclosure obtained in the Court of Common Pleas of Clearfield County, Docket No. 02 327 CD where plaintiff was the successful bidder, and became the owner of the said property.

3. Plaintiff, by virtue of the aforesaid title, is the owner in fee of the said premises, and is entitled to possession thereof. The defendants Robert Wagner or Occupants are occupying the said premises without right, and so far as the plaintiff is informed, without claim of title.

WHEREFORE, plaintiff brings this suit and seeks to recover possession of said premises.

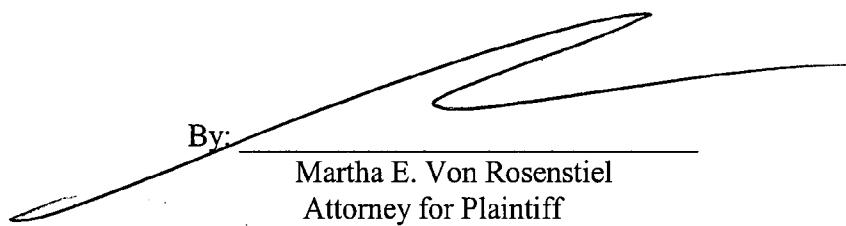


Martha E. Von Rosenstiel
Attorney for Plaintiff

VERIFICATION

I verify that the Statements made in the foregoing Complaint in Ejectment are true and correct.

I understand that false statements herein are made subject to penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.

By: 

Martha E. Von Rosenstiel
Attorney for Plaintiff

Dated:
12499

ALL THAT CERTAIN PIECE OF GROUND SITUATE IN ROSEBUD, TOWNSHIP OF BECCARIA, COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POST ON THE CORNER OF LINE STREET, AND ALLEY NO. 2; THENCE ALONG LINE STREET NORTH EIGHTY-FOUR (84) DEGREES WEST, FIFTY (50) FEET TO A POST; THENCE ALONG LOT NO. 11 SIX DEGREES (6) EAST, ONE HUNDRED FIFTY (150) FEET TO A POST; THENCE ALONG MAIN STREET, SOUTH EIGHTY-FOUR (84) DEGREES EAST FIFTY (5) FEET TO A POST; THENCE ALONG ALLEY NO. 2 SOUTH SIX DEGREES (6) WEST, ONE HUNDRED FIFTY (150) FEET TO A POST AND PLACE OF BEGINNING.

PARCEL 101-H17-416-48

BEING KNOWN AS RR1, BOX 14 LOCUST STREET, COALPORT, PA 16627

AND BEING the same premises which were sold to The Chase Manhattan Bank, as Trustee by the Sheriff of Clearfield County on March 7th, 2003 in execution of a judgment in mortgage foreclosure entered in the Court of Common Pleas of Clearfield County in the matter of The Chase Manhattan Bank, as Trustee v. Robert Wagner, Docket No. 02 327 CD

FILED
MAY 09 2003
AMY PD. 85.00

ICE SHFT
MAY 09 2003
AMY PD. 85.00
William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

THE CHASE MANHATTAN BANK

VS.

WAGNER, ROBERT OR OCCUPANTS

COMPLAINT IN EJECTMENT

Sheriff Docket # 14045

03-713-CD

SHERIFF RETURNS

NOW MAY 21, 2003 AT 10:00 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON ROBERT WAGNER OR OCCUPANTS, DEFENDANT OR OCCUPANT AT RESIDENCE, RR 1, BOX 14, LOCUST ST., COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DON LLOYD, BROTHER-IN-LAW, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: RYEN

Return Costs

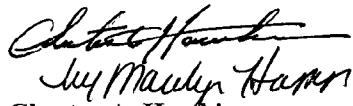
Cost	Description
38.16	SHERIFF HAWKINS PAID BY: ATY CK# 25620
10.00	SURCHARGE PAID BY: ATTY CK# 25621

Sworn to Before Me This

2nd Day Of June 2003

William A. Shaw

So Answers,


Chester A. Hawkins
Sheriff

FILED

JUN 02 2003

0/3:35 p.m.
William A. Shaw *(Signature)*
Prothonotary

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
610 623-2660
Attorney I.D.# 52634

Attorney for Plaintiff

THE CHASE MANHATTAN BANK, AS
TRUSTEE
C/O FAIRBANKS CAPITAL CORP, 3815
S. WEST TEMPLE
SALT LAKE CITY UT 84115-4412
PLAINTIFF

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
: :
: :
: :
: :
: CASE NO: 03-713-CD

VS.
ROBERT WAGNER OR OCCUPANTS
RR1 BOX 14 LOCUST STREET
COALPORT PA 16627
DEFENDANT

FILED

JUN 27 2003

William A. Shaw
Prothonotary

PRAECIPE TO ENTER JUDGMENT

TO THE PROTHONOTARY:

Enter judgment in the above captioned Ejectment action against Don Lloyd,
Occupant, for failure to file an answer within twenty days from date of service thereof. I
hereby certify that Notice as provided in Rule 237.5 has been duly given, and that the time
limits provided for in that notice have expired as evidenced by the attached Exhibit I.

Martha E. Von Rosenstiel
Attorney for Plaintiff

Judgm.
against Don Lloyd
as Occupant - add party
to Defendants

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
610 623-2660
Attorney I.D.# 52634

Attorney for Plaintiff

THE CHASE MANHATTAN BANK, AS	:	COURT OF COMMON PLEAS
TRUSTEE	:	CLEARFIELD COUNTY
C/O FAIRBANKS CAPITAL CORP, 3815	:	
S. WEST TEMPLE	:	
SALT LAKE CITY UT 84115-4412	:	
PLAINTIFF	:	CASE NO: 03-713-CD
VS.	:	
ROBERT WAGNER OR OCCUPANTS	:	
RR1 BOX 14 LOCUST STREET	:	
COALPORT PA 16627	:	
DEFENDANT	:	

AFFIDAVIT OF NON MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA:

: ss

COUNTY OF DELAWARE

MARTHA E. VON ROSENSTIEL, being duly sworn according to law deposes and says that she is the attorney for the plaintiff herein; that she is duly authorized to take this affidavit in behalf of the plaintiff, and 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;

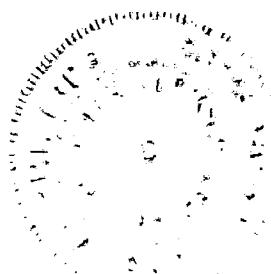
That Don Lloyd, Occupant is/are over 21 years old and reside(s) at RR1 Box 14 Locust Street Coalport PA 16627.

Martha E. Von Rosenstiel

Sworn to and Subscribed
Before me this 6/26/2003

John Phillips
Notary Public

Notarial Seal
Joshua Phillips, Notary Public
Lansdowne Boro, Delaware County
My Commission Expires May 15, 2004
Member, Pennsylvania Association Of Notaries



Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
16 South Lansdowne Avenue
Lansdowne, PA 19050
610 623-2660
Attorney I.D.# 52634

Attorney for Plaintiff

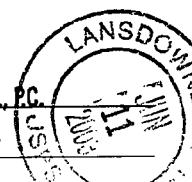
The Chase Manhattan Bank, as Trustee
c/o Fairbanks Capital Corp, 3815 S. West
Temple
Salt Lake City, UT 84115-4412
Plaintiff
vs.
Robert Wagner or Occupants
RR1 Box 14 Locust Street
Coalport, PA 16627
Defendant

TO: Don Lloyd, Occupant
RR1 Box 14 Locust Street
Coalport, PA. 16627

Date of Notice : June 11, 2003

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 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:

U.S. POSTAL SERVICE	CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT		
PROVIDE FOR INSURANCE -- POSTMASTER		
Received From:		
<p>MARTHA E. VON ROSENSTIEL, P.C. 16 S. LANSDOWNE AVE. P. O. BOX 457 LANSDOWNE, PA 19050 </p>		
		
<p>One piece of ordinary mail addressed to:</p> <p><i>Doh Lloyd, Occupant RR 1 Box 14 Locust Street Coalport, PA 16627</i></p> <p><i>K499-J.P.</i></p>		



PS Form 3817 Mar 1989

FILED

Att'y pd. 20.00

10:30 AM
JUN 27 2003

1cc+Notice to Def

William A. Shaw
Prothonotary

E
FED

COPY

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
610 623-2660
Attorney I.D.# 52634

Attorney for Plaintiff

THE CHASE MANHATTAN BANK, AS	:	COURT OF COMMON PLEAS
TRUSTEE	:	CLEARFIELD COUNTY
C/O FAIRBANKS CAPITAL CORP, 3815	:	
S. WEST TEMPLE	:	
SALT LAKE CITY UT 84115-4412	:	
PLAINTIFF	:	CASE NO: 03-713-CD
VS.	:	
ROBERT WAGNER OR OCCUPANTS	:	
RR1 BOX 14 LOCUST STREET	:	
COALPORT PA 16627	:	
DEFENDANT		

NOTICE UNDER RULE 236

TO: Don Lloyd, Occupant
RR1 Box 14 Locust Street
Coalport PA 16627

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Default Judgment was entered against you on June 27, 2003 for possession of the above premises.

Prothonotary

If you have any questions concerning the above, please contact:

Martha E. Von Rosenstiel, Esquire
(610) 623-2660

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
610 623-2660
Attorney I.D.# 52634

Attorney for Plaintiff

THE CHASE MANHATTAN BANK, AS	:	COURT OF COMMON PLEAS
TRUSTEE	:	CLEARFIELD COUNTY
C/O FAIRBANKS CAPITAL CORP, 3815	:	
S. WEST TEMPLE	:	
SALT LAKE CITY UT 84115-4412	:	
PLAINTIFF	:	CASE NO: 03-713-CD
VS.	:	
ROBERT WAGNER OR OCCUPANTS	:	
RR1 BOX 14 LOCUST STREET	:	
COALPORT PA 16627	:	
DEFENDANT		

PRAECIPE FOR THE WRIT OF POSSESSION

TO THE PROTHONOTARY:

Kindly issue Writ of Possession in the above Ejectment matter.

RR1 Box 14 Locust Street
Coalport, PA 16627

Martha E. Von Rosenstiel
Attorney for Plaintiff

FILED

JUN 27 2003

William A. Shaw
Prothonotary

FILED

Atty pd. 20.00

112:35 5 Wnts & 1 cc to Sheriff

6/27/03
LAD

William A. Shaw
Prothonotary

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

The Chase Manhattan Bank, as Trustee
vs.

Don Lloyd, Occupant
RR1 Box 14 Locust Street
Coalport, PA 16627

COPY

NO 03-713-CD

WRIT OF POSSESSION

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:

The Chase Manhattan Bank, as Trustee

(2) To satisfy the costs against

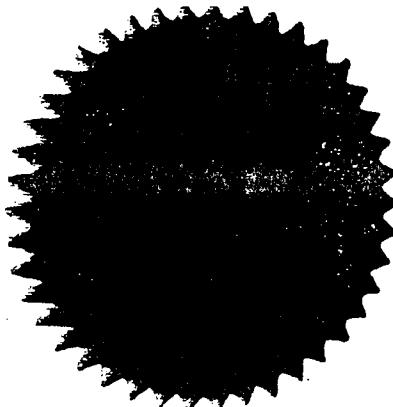
Robert Wagner

directed to levy upon any property of RR1 Box 14 Locust Street, Coalport, PA 16627

you are

and sell

interest therein.



Prothonotary

By _____
Clerk

Date June 27, 2003

Court of Common Pleas

03-713 CD

The Chase Manhattan Bank, as Trustee
v.s.

Don Lloyd, Occupant
RR1 Box 14 Locust Street
Coalport, PA 16627

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
(610) 623-2660 Attorney I.D. #52634

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14259

THE CHASE MANHATTAN BANK, AS TRUSTEE

03-713-CD

VS.

LLOYD, DON, OCCUPANT

WRIT OF EXECUTION POSSESSION

SHERIFF RETURNS

NOW, JULY 14, 2003 @ 10:45 A.M. O'CLOCK SERVED WRIT OF POSSESSION ON DANIELLE WAGNER, NIECE OF DON LLOYD, DEFENDANT, AT HER PLACE OF RESIDENCE RR1, BOX 14, LOCUST STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DANIELLE WAGNER, NIECE OF DON LLOYD, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF POSSESSION AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, AUGUST 26, 2003 PAID COSTS FROM THE ADVANCE.

NOW, AUGUST 26, 2003 RETURN WRIT AS BEING SERVED.

SHERIFF HAWKINS \$75.00

SURCHARGE \$10.00

PAID BY ATTORNEY

FILED
0 2:25 PM

AUG 26 2003

William A. Shaw
Prothonotary

Sworn to Before Me This-

So Answers,

16 Day Of August 2003
William A. Hawkins

William A. Hawkins
By Cynthia Butler Aughenbaugh
Chester A. Hawkins
Sheriff

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

The Chase Manhattan Bank, as Trustee

VS.

NO 03-713-CD

Don Lloyd, Occupant
RR1 Box 14 Locust Street
Coalport, PA 16627

WRIT OF POSSESSION

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:

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(2) To satisfy the costs against

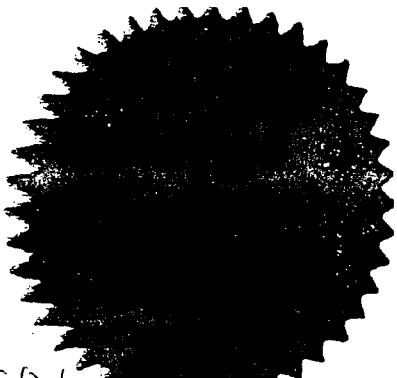
Robert Wagner

directed to levy upon any property of RR1 Box 14 Locust Street, Coalport, PA 16627

you are

and sell

interest therein.

*Prothonotary*

By _____

A handwritten signature in black ink, appearing to read "Will. H. Wagner".

Clerk

Date June 27, 2003

Received 6/27/03 @ 3:30 PM.
Christa G. Hauke, Esq.
by Camerea Butler-Auerhagen

Court of Common Pleas

Mo
03-713 CD

The Chase Manhattan Bank, as Trustee
vs.

Don Lloyd, Occupant
RR1 Box 14 Locust Street
Coalport, PA 16627

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
16 South Lansdowne Avenue
P.O. Box 457
Lansdowne, PA 19050
(610) 623-2660 Attorney I.D. #52634