

03-1628-CD
BANK OF NEW YORK vs. DENNIS CARSON

Federman and Phelan, LLP
By: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center Plaza
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney for Plaintiff

Bank of New York As Trustee For CWABS 2002-1
7105 Corporate Drive
Plano, TX 75024

: Court of Common Pleas

: Civil Division

v.

: Clearfield County

: Term

Dennis Carson
Or Occupants
2 Princess Street
Brisbin, PA 16620

: No. 03-1628-CD

:

CIVIL ACTION - EJECTMENT

****This firm is a debt collector attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.****

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 (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 and 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. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641

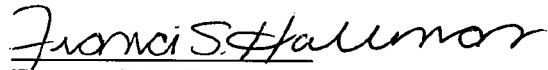
FILED

OCT 31 2003

William A. Shaw
Prothonotary/Clerk of Courts

1. Plaintiff is Bank of New York As Trustee For CWABS 2002-1.
2. Defendant is Dennis Carson Or Occupants.
3. Plaintiff is equitable owner of premises located at 2 Princess Street, Brisbin, PA 16620, a legal description of which is attached.
4. Plaintiff became owner of said premises as a result of foreclosure and judicial sale by the Sheriff of Clearfield County, on October 10, 2003.
5. Plaintiff, by virtue of the above, is the equitable owner of said premises, and is entitled to possession thereof. The defendant is occupying the said premises without right and so far as the plaintiff is informed, without claim of title.
6. Plaintiff has demanded possession of the said premises from the said defendant who has refused to deliver up possession of same.

WHEREFORE, plaintiff seeks to recover possession of said premises.


Francis S. Hallinan, Esquire
Attorney for Plaintiff

ALL THOSE TWO (2) CERTAIN MESSUAGES TENEMENTS AND TRACTS OF LAND SITUATE, LYING AND BEING IN THE BOROUGH OF BRISBIN, COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: THE FIRST HEREOF: BEGINNING AT THE SOUTHEAST CORNER OF PRINCESS STREET AND "B" ALLEY; THENCE ALONG SAID STREET SOUTH 22 DEGREES 30 MINUTES EAST, 170 FEET TO A POST; THENCE NORTH 67 DEGREES 30 MINUTES EAST, 137 FEET TO A POST ON "D" ALLEY; THENCE ALONG SAID ALLEY NORTH 22 DEGREES 30 MINUTES WEST, 170 FEET TO A POST ON "B" ALLEY; THENCE ALONG SAID ALLEY SOUTH 67 DEGREES 30 MINUTES WEST, 137 FEET TO A POST AND THE PLACE OF BEGINNING. KNOWN AS LOT "J" IN THE GENERAL PLAN OF SAID BOROUGH.

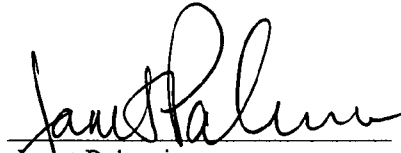
THE SECOND THEREOF: BEGINNING AT THE SOUTHEAST CORNER OF PRINCESS STREET AND LOT "J" (AFORESAID); THENCE SOUTH 22 DEGREES 30 MINUTES EAST, 45 FEET TO A "MAPLE TREE"; THENCE NORTH 67 DEGREES 30 MINUTES EAST, 137 FEET TO A POST ON "D" ALLEY; THENCE ALONG SAID ALLEY NORTH 22 DEGREES 30 MINUTES WEST, 45 FEET TO THE NORTHEAST CORNER OF LOT "J" (AFORESAID); THENCE ALONG LOT "J" SOUTH 67 DEGREES 30 MINUTES WEST, 137 FEET TO A POST AND THE PLACE OF BEGINNING, AND KNOWN AS LOT "I" IN THE GENERAL PLAN OF SAID BOROUGH.

Vested by Special Warranty Deed, dated 08/26/01, given by Dennis W. Carson and Kathryn A. Carson to Dennis W. Carson and recorded 10/05/01 in Instrument #: 200115930

VERIFICATION

Janet Palomino Hereby states that he/ **she** is the
Vice President Of Countrywide Home Loans, Inc.

Mortgage servicing agent for the Plaintiff in this matter, that he/**she** is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Ejectment are true and correct to the best of his /**her** knowledge, information and belief. The Undersigned understands that this statement is made subject to the penalties of 18 Pa, C.S. Sec. 4904 relating to unsworn falsification to authorities.


Janet Palomino
Vice President

Date: 10/28/03

FILED

OCT 31 2003

Atty. Ad. 85.00
1cc Shff

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

BANK OF NEW YORK

VS.

CARSON, DENNIS or occupants

COMPLAINT IN EJECTMENT

Sheriff Docket #

14740

03-1628-CD

SHERIFF RETURNS

NOW NOVEMBER 26, 2003 AT 9:50 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON DENNIS CARSON or occupants, DEFENDANT AT SHERIFF'S OFFICE, MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DENNIS CARSON A TRUE AND ATTESTED COPY OF THE COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF. DEPUTIES HAD PREVIOUSLY BEEN TO 2 PRINCESS ST., BRISBIN, PA. AND DETERMINED THAT HOUSE IS EMPTY.

Return Costs

Cost	Description
26.24	SHERIFF HAWKINS PAID BY: ATTY
10.00	SURCHARGE PAID BY: ATTY

Sworn to Before Me This

26th Day Of Nov. 2003
William A. Shaw

So Answers,

Chester A. Hawkins
by Maureen Harmon
Chester A. Hawkins
Sheriff

FILED
03:11 PM
NOV 26 2003
William A. Shaw
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP

By: Frank Federman, Esquire I.D. No. 12248
Lawrence T. Phelan, Esquire I.D. No. 32227
Francis S. Hallinan, Esquire I.D. No. 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR SWABS 2002-1

Plaintiff

**Court of Common Pleas
CLEARFIELD County
No. 03-1628-CD**

vs.

DENNIS CARSON OR OCCUPANTS

Defendant(s)

**PRAECIPE TO WITHDRAW COMPLAINT, WITHOUT PREJUDICE,
AND DISCONTINUE AND END**

TO THE PROTHONOTARY:

Kindly withdraw the complaint filed in the instant matter, without prejudice, and mark this case discontinued and ended, upon payment of your costs only.

1/29/04
Date

Frank Federman
Frank Federman, Esquire
Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Attorneys for Plaintiff

FILED

FEB 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT w/ CENT. of Disc.
TO ATTY

Disc. to C/A

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

CIVIL DIVISION

Bank of New York

**Vs.
Dennis Carson**

No. 2003-01628-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 2, 2004, marked:

Discontinue and End

Record costs in the sum of \$121.87 have been paid in full by Federman and Phelan, L.L.P..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of February A.D. 2004.

William A. Shaw, Prothonotary