

04-998-CD  
AURORA LOAN SERVICES, INC VS C. DOUGLAS SPUCK, et al

Aurora Loan vs Douglas Spuck et al  
2004-998-CD

Date: 12/08/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 03:07 PM

ROA Report

Page 1 of 1

Case: 2004-00998-CD

Current Judge: Fredric Joseph Ammerman

Aurora Loan Services, Inc. vs. C. Douglas Spuck, John Doe, Jane Doe, Tenant/Occupiers

Civil Other

Date		Judge
06/30/2004	Filing: Complaint in Ejectment Paid by: Kivitz, Jay E. (attorney for Aurora Loan Services, Inc.) Receipt number: 1881903 Dated: 06/30/2004 Amount: \$85.00 (Check) Three CC Sheriff	No Judge ✓
07/26/2004	Sheriff Return, NOW JULY 22, 2004, Complaint in Ejectment, served on C. Douglas Spuck, and Jane and John Doe, Occupants. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge ✓
07/30/2004	Answer to Ejectment, filed by C. Douglas Spuck 3 Cert. to Deft. Spuck	No Judge ✓
11/03/2004	Motion for Summary Judgment filed by Atty. Kivitz. No cc. Verification of Service: Plaintiff's Motion for Summary Judgment, Memorandum of Law, Order, and Verification of Service, by 1st class mail to: C. Douglas Spuck. Filed by s/ Jay E. Kivitz, Esquire. 1CC to Atty	No Judge ✓ No Judge ✓
11/04/2004	Order, AND NOW, this 4th day of November, 2004, it is the ORDER of the Court that argument on Plaintiff's Motion for Summary Judgment filed in the above matter has been scheduled for the 14th day of December, 2004, at 1:30 p.m. in Courtroom No. 1, Clfd. Co. Courthouse. BY THE COURT: Fredric J. Ammerman, President Judge. 3 CC & Memo Re: Service to Atty Kivitz.	Fredric Joseph Ammerman ✓

Date: 11/22/2004

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 10:04 AM

Civil Disposition Report







Page 3 of 3

CT COMMON PLEAS, All Locations

Case Type: CD, All Subtypes

From 11/15/2004 to 11/19/2004

All Judgment Types

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2004-01819-CD	Hartzfeld, Mandy  Palisades Collection 	11/15/2004	DJ Transcript Judgme In favor of: Plaintiff Judgment amount or comment: 4558.12	Open	11/15/2004
2004-01838-CD	 Commonwealth of Pennsylv Mull, Michael H. 	11/19/2004	PA State Tax Lien In favor of: Plaintiff Judgment amount or comment: 2,420.91	Open	11/19/2004
2004-01842-CD	 Clearfield Municipal Authorit Redmond, Karen 	11/19/2004	Municipal Lien In favor of: Plaintiff Judgment amount or comment: 841.95	Open	11/19/2004

KIVITZ & KIVITZ, P.C.  
BY: Jay E. Kivitz, Esquire  
ID# 26769  
7901 Ogontz Avenue  
P.O. Box 27368  
Philadelphia, PA 19118-0308  
(215) 549-2525

NON JURY

Attorney for Plaintiff

AURORA LOAN SERVICES, INC.  
601 Fifth Avenue  
Scottsbluff, NE 69361

**PLAINTIFF**

v.

C. Douglas Spuck and  
John Doe, Jane Doe, Tenant/Occupiers  
RD #2, Box 35A  
Dubois, PA 15801

**DEFENDANTS**

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

# 04-998-CD

**COMPLAINT IN EJECTMENT  
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 AN 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.

LAWYER REFERRAL SERVICE  
WESTMORELAND COUNTY BAR ASSOCIATION  
P.O. BOX 565  
GREENSBURG, PA 15601  
(724) 834-8490

**FILED**

**JUN 30 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

1. Plaintiff is Aurora Loan Services, Inc., with principal offices at 601 Fifth Avenue Scottsbluff, NE 69361.

2. Defendants are C. Douglas Spuck and John Doe, Jane Doe, tenant/occupiers, who reside at RD 2, Box 35 A, Dubois, PA 15801.


3. Plaintiff is the record owner of RD 2, Box 35 A, Dubois, PA, the premises where defendants reside, having acquired title pursuant to a sheriff's sale duly held in Clearfield County on June 4, 2004. The sheriff sale was authorized under the terms of a foreclosure action and judgment entered thereon in the Court of Common Pleas of Clearfield County. See copy of legal description of the premises attached hereto as Exhibit "A".

4. Plaintiff is the owner of said premises RD 2, Box 35 A, Dubois, PA and is entitled to possession thereof. The defendants C. Douglas Spuck and John Doe, Jane Doe, tenant/occupiers, are still in possession of said premises without right, and so far as the plaintiff is informed, without claim of title.

5. Plaintiff has demanded possession of the said premises from the said defendants who have refused to deliver up possession of same.

WHEREFORE, Plaintiff demands judgment for possession of the aforesaid premises.

KIVITZ & KIVITZ, P.C.

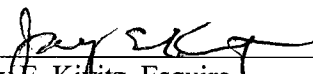
  
Jay E. Kivitz, Esquire  
Attorney for Plaintiff

VERIFICATION

Jay E. Kivitz, Esquire, verifies that he is the attorney for the plaintiff in the foregoing matter that he is authorized to take this verification on behalf of the plaintiff, that the facts set forth herein are true and correct to the best of his knowledge, information and belief.

Attorney for Plaintiff verifies that the statements herein are made subject to the penalties of 18 Pa C. S. Sec. 4904 relating to sworn falsification to authorities.

KIVITZ & KIVITZ, P.C.

  
Jay E. Kivitz, Esquire  
Attorney for Plaintiff

### DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a nail in the centerline of Route 255, said point being the Northeast corner hereof; thence South 20 degrees 37' 22" East through lands conveyed by Royer to Brandon 156.85 feet to a railroad right of way; thence South 64 degrees 58' 49" West by said right of way 369.85 feet to an iron pipe set by survey of Harry A. Robb; thence North 25 degrees 01' 11" West through lands conveyed to C. Douglas Spuck by deed of Aileen J. Spuck 115.91 feet to a nail in the centerline of Route 255; thence North 58 degrees 55' 45" East along said centerline 384.01 feet to a nail in said centerline and the place of beginning.

CONTAINING 1.172 acres.

BEING Tax Parcel # 128-D03-000-88.

EA

FILED  
JUN 30 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

Any pd.  
85.00

300 SHff



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

AURORA LOAN SERVICES INC

VS.

SPUCK, C. DOUGLAS and John Doe, Jane Doe, tenant/

COMPLAINT IN EJECTMENT

Sheriff Docket #

15887

04-998-CD

**SHERIFF RETURNS**

NOW JULY 22, 2004 AT 11:25 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON C. DOUGLAS SPUCK, DEFENDANT AT RESIDENCE, RD#2 BOX 35A, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO C. DOUGLS SPUCK A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/COUDRIET

NOW JULY 22, 2004 AT 11:25 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON JANE DOE and JOHN DOE, OCCUPANTS AT RD#2 BOX 35A, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO C. DOUGLAS SPUCK, DEFENDANT TWO TRUE AND ATTESTED COPIES OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

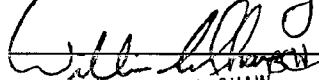
SERVED BY: MCCLEARY/COUDRIET

**Return Costs**

Cost	Description
44.25	SHERIFF HAWKINS PAID BY: ATTY CK# 15696
30.00	SURCHARGE PAID BY: ATTY CK# 15697

Sworn to Before Me This

26<sup>th</sup> Day Of July 2004



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

So Answers,



Chester A. Hawkins  
Sheriff

**FILED**

@ 2:51 pm AS  
JUL 26 2004  
EB

William A. Shaw  
Prothonotary

William A. Shaw  
Prothonotary/Clerk of Courts

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

<b>AURORA LOAN SERVICES, INC.,</b> <b>Plaintiff,</b>  <b>vs.</b>  <b>C. Douglas Spuck,</b> <b>John Doe, Jane Doe, Tenants/Occupiers</b> <b>Defendants.</b>	: : : : : : :	<b>CIVIL ACTION – LAW</b>  <b>No: 04-998 CD</b>  <b>Type of Case:</b> <b>CIVIL</b>
---	---------------------------------	---

**VERIFICATION**

I, C. Douglas Spuck, Defendant PRO SE in the aforementioned ANSWER TO  
EJECTMENT, verify that the statements made in the foregoing Answer 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.

Date:

July 27, 2004

C Douglas Spuck  
C. Douglas Spuck, defendant PRO SE

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

<b>AURORA LOAN SERVICES, INC.,</b>	:	CIVIL ACTION – LAW
<b>Plaintiff,</b>	:	
	:	
vs.	:	<b>No: 04-998 CD</b>
	:	
<b>C. Douglas Spuck,</b>	:	<b>Type of Case:</b>
	:	<b>CIVIL</b>
<b>John Doe, Jane Doe, Tenants/Occupiers</b>	:	
<b>Defendants.</b>		

**CERTIFICATE OF SERVICE**

I hereby verify that true and correct copies of Defendant's Answer to Ejectment filed with the Prothonotary have been forwarded to the following via First-Class, United States Mail unless otherwise indicated.

JAY E. KIVITZ, Esquire  
7901 Ogontz Avenue  
P.O. Box 27368  
Philadelphia, Pennsylvania 19118-0308

Date: July 27, 2004

C Douglas Spuck  
C. Douglas Spuck

FILED  
JUL 30 2004

30C

Def. C. Douglas Spuck

(3)

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

11 12:00 PM NOCC

NOV 03 2004

KIVITZ & KIVITZ, P.C.  
BY: JAY E. KIVITZ, ESQUIRE  
I.D. #26769  
7901 Ogontz Avenue  
P.O. Box 27368  
(215) 549-2525  
Philadelphia, PA 19118-0308

William A. Shaw  
Attorney for Plaintiff  
Aurora Loan Services, Inc.

AURORA LOAN SERVICES, INC. : COURT OF COMMON PLEAS  
vs. : OF CLEARFIELD COUNTY  
: NO. 04-998-CD  
C. DOUGLAS SPUCK and :  
JOHN DOE and JANE DOE, Tenant Occupiers :

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

Plaintiff, Aurora Loan Services, Inc., by and through its attorney, Jay E. Kivitz, Esquire, moves this Court to enter summary judgment in ejectment against the defendants and assigns the following reasons:

1. Plaintiff is Aurora Loan Services, Inc., with offices at 601 Fifth Avenue, Scottsbluff, NE 69361.
2. Defendants are C. Douglas Spuck, who resides at RD8, Box 35A, Dubois, PA 15901, and John Doe and Jane Doe, tenant/occupiers of premises RD#2, Box 35A, Dubois, PA 15801 hereinafter referred to as Premises.
3. Plaintiff became owner of the premises by virtue of a Sheriff's Sale conducted by the Sheriff of Clearfield County on June 4, 2004, arising out of a judgment in mortgage foreclosure against defendant C. Douglas Spuck, where plaintiff was the successful bidder.
4. The mortgage foreclosure action, filed in Clearfield County as Aurora Loan Services, Inc. vs. C. Douglas Spuck, No. 00-1119 CD, was uncontested, but took four (4) years to complete, due to three (3) bankruptcy filings by defendant Spuck.

5. After the Sheriff's Sale, on or about June 18, 2004, Plaintiff, through counsel, sent defendants notice that the premises had been sold at Sheriff's Sale and that Plaintiff demanded possession of the premises. See copies of letters attached hereto as Exhibit "A".

6. The defendants refused to vacate the premises and on June 30, 2004, Plaintiff filed a Complaint in Ejectment against the defendants. See copy of Complaint attached hereto as Exhibit "B".

7. On or about July 30, 2004, the defendants filed an Answer to the Complaint which contains mostly general denials, but avers that the Sheriff's Sale was illegal. See copy of Answer attached hereto as Exhibit "C".

8. By Deed recorded in Clearfield County on August 11, 2004 as Instrument No. 200413127, title to the premises was conveyed to Aurora by the Sheriff of Clearfield County. See copy of Sheriff's Deed attached hereto as Exhibit "D".

9. Pa.R.C.P. 3132 provides that "Upon petition of any party in interest before delivery.... of the sheriff's deed to real property, the court may, upon proper cause shown, set aside the sale and order a resale or enter any other order which may be just and proper under the circumstances.

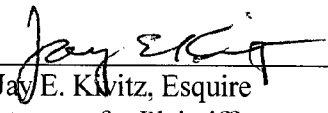
10. Defendant Spuck did not file a petition contesting the validity of the Sheriff's Sale prior to the delivery of the Sheriff's Deed.

11. Pennsylvania Rules of Civil Procedure 1035.1 to 1035.5, provide a means for a party to obtain summary judgment where there is no genuine issue of fact, where such lack of genuine issue of fact can be shown through pleadings, admissions, and supporting affidavits.

12. Plaintiff believes and avers that it is entitled to entry of summary judgment in ejectment for possession of the subject premises, since there is no issue as to its ownership of the premises due to delivery and recording of the Sheriff's Deed Poll, and the defendants' failure to aver or prove that they have any current ownership interest in the premises.

WHEREFORE, Plaintiff, Aurora Loan Services, Inc., requests this Honorable Court enter summary judgment in its favor and against defendants, C. Douglas Spuck, and John Doe and Jane Doe, tenant occupiers, granting it possession of premises RD#2, Box 35A, Dubois, PA 15801.

Respectfully submitted,  
KIVITZ & KIVITZ, P.C.

BY:   
Jay E. Kivitz, Esquire  
Attorney for Plaintiff



KIVITZ & KIVITZ, P.C.  
BY: JAY E. KIVITZ, ESQUIRE  
I.D. #26769  
7901 Ogontz Avenue  
P.O. Box 27368  
(215) 549-2525  
Philadelphia, PA 19118-0308

Attorney for Plaintiff  
Aurora Loan Services, Inc.

---

AURORA LOAN SERVICES, INC.	:	COURT OF COMMON PLEAS
	:	OF CLEARFIELD COUNTY
vs.	:	
	:	NO. 04-998-CD
C. DOUGLAS SPUCK and	:	
JOHN DOE and JANE DOE, Tenant Occupiers	:	

**AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF PHILADELPHIA :

Deborah Kaufman, being duly sworn according to law, deposes and says that:

1. He/she is a Senior Vice President for the Plaintiff, Aurora Loan Services, Inc.
2. He/she is authorized to sign this affidavit on behalf of Aurora Loan Services, Inc., (hereinafter referred to as "Aurora"), and that he/she is familiar with the account of C. Douglas Spuck, one of the defendants herein.
3. After competitive bidding, Aurora was the successful bidder at a Sheriff's Sale conducted by the Sheriff of Clearfield County on June 4, 2004 for premises RD#2, Box 35A, Dubois, PA 15801.
4. The Sheriff's Sale was conducted pursuant to a judgment in mortgage foreclosure obtained by Aurora Loan Services, Inc., against C. Douglas Spuck and the said premises in the Court of Common Pleas of Clearfield County, No. 00-1119-CD.

5. Aurora completed settlement with the Sheriff of Clearfield County and obtained a Deed Poll from the Sheriff of Clearfield County for the premises that was recorded in the Recorder's Office for Clearfield County on August 11, 2004 as Document ID# 20043127.

6. The defendants are in possession of the premises without Aurora's permission, and are without any legal right, title, or interest in the premises.

7. Aurora has demanded possession of the premises, which demand has been refused.

  
AURORA LOAN SERVICES, INC.  
BY: Deborah Kaufman

Sworn to and Subscribed

Before me this 29<sup>th</sup> day  
of October, 2004.


  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

CATHY MILACHEK  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 08/26/2008

**VERIFICATION**

I, JAY E. KIVITZ, ESQ., verify that I am the Attorney for the above named Plaintiff, that I am authorized to take this verification on behalf of the Plaintiff, and that the statements made in the foregoing pleading are true and correct to the best of my personal knowledge or 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.

11/2/04

  
\_\_\_\_\_  
Jay E. Kivitz, Esquire  
Attorney for Plaintiff

**EXHIBIT "A"**

LAW OFFICES  
KIVITZ & KIVITZ, P.C.  
7901 OGONTZ AVENUE  
P.O. BOX 27368  
PHILADELPHIA, PA 19118-0308

SEYMOUR KIVITZ  
JAY E. KIVITZ

(215) 549-2525  
FACSIMILE (215) 424-8002

June 18, 2004

John Doe, Tenant/Occupier  
RD 2, Box 35 A  
Dubois, PA 15801

**RE: RD #2, Box 35 A**

To Whom It May Concern:

Please be advised that we represent the purchasers of the above property which was bought at a sheriff's sale held on June 4, 2004.

The purchasers require that the premises be vacated and this is to serve you notice to deliver up possession within the next ten (10) days from the date of this letter and forward the keys for the property to this office. If this is not done, legal proceedings will be started against you to gain possession of the property.

Sincerely,  
**KIVITZ & KIVITZ, P.C.**

  
Jay E. Kivitz  
Attorney for Plaintiff

JEK/k

LAW OFFICES  
**KIVITZ & KIVITZ, P.C.**  
7901 OGONTZ AVENUE  
P.O. BOX 27368  
PHILADELPHIA, PA 19118-0308

SEYMOUR KIVITZ  
JAY E. KIVITZ

(215) 549-2525  
FACSIMILE (215) 424-8002

June 18, 2004

Jane Doe, Tenant/Occupier  
RD 2, Box 35 A  
Dubois, PA 15801

**RE: RD #2, Box 35 A**

To Whom It May Concern:

Please be advised that we represent the purchasers of the above property which was bought at a sheriff's sale held on June 4, 2004.

The purchasers require that the premises be vacated and this is to serve you notice to deliver up possession within the next ten (10) days from the date of this letter and forward the keys for the property to this office. If this is not done, legal proceedings will be started against you to gain possession of the property.

Sincerely,  
**KIVITZ & KIVITZ, P.C.**

  
Jay E. Kivitz  
Attorney for Plaintiff

JEK/k

LAW OFFICES  
**KIVITZ & KIVITZ, P.C.**  
7901 OGONTZ AVENUE  
P.O. BOX 27368  
PHILADELPHIA, PA 19118-0308

SEYMOUR KIVITZ  
JAY E. KIVITZ

(215) 549-2525  
FACSIMILE (215) 424-8002

June 18, 2004

C. Douglas Spuck  
RD 2, Box 35 A  
Dubois, PA 15801


**RE: RD #2, Box 35 A**

To Whom It May Concern:

Please be advised that we represent the purchasers of the above property which was bought at a sheriff's sale held on June 4, 2004.

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Sincerely,  
**KIVITZ & KIVITZ, P.C.**

  
Jay E. Kivitz  
Attorney for Plaintiff

JEK/k

cc: John Doe, Jane Doe, Tenant/Occupiers

**EXHIBIT "B"**



KIVITZ & KIVITZ, P.C.  
BY: Jay E. Kivitz, Esquire  
ID# 26769  
7901 Ogontz Avenue  
P.O. Box 27368  
Philadelphia, PA 19118-0308  
(215) 549-2525

NON JURY

COPY

Attorney for Plaintiff

AURORA LOAN SERVICES, INC.  
601 Fifth Avenue  
Scottsbluff, NE 69361

PLAINTIFF

v.

C. Douglas Spuck and  
John Doe, Jane Doe, Tenant/Occupiers  
RD #2, Box 35A  
Dubois, PA 15801

DEFENDANTS

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

# 04-998-CD

COMPLAINT IN EJECTMENT  
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FILED  
2004  
JUN 30 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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5. Plaintiff has demanded possession of the said premises from the said defendants who have refused to deliver up possession of same.

WHEREFORE, Plaintiff demands judgment for possession of the aforesaid premises.

KIVITZ & KIVITZ, P.C.

  
Jay E. Kivitz, Esquire  
Attorney for Plaintiff

VERIFICATION

Jay E. Kivitz, Esquire, verifies that he is the attorney for the plaintiff in the foregoing matter that he is authorized to take this verification on behalf of the plaintiff, that the facts set forth herein are true and correct to the best of his knowledge, information and belief.

Attorney for Plaintiff verifies that the statements herein are made subject to the penalties of 18 Pa C. S. Sec. 4904 relating to sworn falsification to authorities.

KIVITZ & KIVITZ, P.C.

  
\_\_\_\_\_  
Jay E. Kivitz, Esquire  
Attorney for Plaintiff

DESCRIPTION

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BEGINNING at a nail in the centerline of Route 255, said point being the Northeast corner hereof; thence South 20 degrees 37' 22" East through lands conveyed by Royer to Brandon 156.85 feet to a railroad right of way; thence South 64 degrees 58' 49" West by said right of way 369.85 feet to an iron pipe set by survey of Harry A. Robb; thence North 25 degrees 01' 11" West through lands conveyed to C. Douglas Spuck by deed of Aileen J. Spuck 115.91 feet to a nail in the centerline of Route 255; thence North 58 degrees 55' 45" East along said centerline 384.01 feet to a nail in said centerline and the place of beginning.

CONTAINING 1.172 acres.

BEING Tax Parcel # 128-D03-000-88.

Σ A

**EXHIBIT "C"**

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

**AURORA LOAN SERVICES, INC.,  
Plaintiff,**

**vs.**

**C. Douglas Spuck,  
John Doe, Jane Doe, Tenants/Occupiers  
Defendants.**

**CIVIL ACTION – LAW**

**No: 04-998 CD**

**Type of Case:  
CIVIL**

**Type of Document:  
ANSWER TO EJECTMENT**

**Filed on Behalf of:  
DEFENDANTS**

**Counsel of Record for This Party:**

**C. Douglas Spuck,  
Defendant PRO SE  
R.D. #8 Box 35A  
DuBois, PA 15801**

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

**JUL 30 2004**

Attest.

*William A. [Signature]*  
Prothonotary/  
Clerk of Courts

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

AURORA LOAN SERVICES, INC., Plaintiff,	:	CIVIL ACTION – LAW
	:	
vs.	:	No: 04-998 CD
	:	
C. Douglas Spuck,	:	Type of Case:
John Doe, Jane Doe, Tenants/Occupiers	:	CIVIL
Defendants.	:	

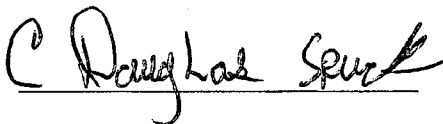
ANSWER TO EJECTMENT

AND NOW, come the Defendants, C. Douglas Spuck, John Doe and Jane Doe, by and through C. Douglas Spuck, PRO SE, by way of Answer to EJECTMENT and says:

1. Admitted.
2. DENIED—the defendant's correct address is R.D. 8, Box 35 A, DuBois, PA 15801;
3. DENIED—STRICT PROFF DEMANDED AT TRIAL.
4. DENIED—defendants aver that the sheriff sale was illegal and that no notice of sale, either actual or constructive, was made to the defendant C. Douglas Spuck and that the sheriff's sale is improper and illegal as a result.
5. DENIED—STRICT PROOF DEMANDED AT TRIAL.

WHEREFORE, Defendant prays that this Court refrain from granting the Ejectment requested by the plaintiff and defendant demands a hearing on the matter.

RESPECTFULLY SUBMITTED:



DEFENDANT PRO SE

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

AURORA LOAN SERVICES, INC., Plaintiff,	:	CIVIL ACTION – LAW
	:	
vs.	:	No: 04-998 CD
	:	
C. Douglas Spuck,	:	Type of Case:
John Doe, Jane Doe, Tenants/Occupiers	:	CIVIL
Defendants.	:	

VERIFICATION

I, C. Douglas Spuck, Defendant PRO SE in the aforementioned ANSWER TO  
EJECTMENT, verify that the statements made in the foregoing Answer 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.

Date:

July 27. 2004

C Douglas Spuck  
C. Douglas Spuck, defendant PRO SE



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

<b>AURORA LOAN SERVICES, INC.,</b> Plaintiff,  vs.  <b>C. Douglas Spuck,</b> <b>John Doe, Jane Doe, Tenants/Occupiers</b> Defendants.	: : : : : : :	<b>CIVIL ACTION – LAW</b>  <b>No: 04-998 CD</b>  <b>Type of Case:</b> <b>CIVIL</b>
--	---------------------------------	---

**CERTIFICATE OF SERVICE**

I hereby verify that true and correct copies of Defendant's Answer to Ejectment filed with the Prothonotary have been forwarded to the following via First-Class, United States Mail unless otherwise indicated.

JAY E. KIVITZ, Esquire  
7901 Ogontz Avenue  
P.O. Box 27368  
Philadelphia, Pennsylvania 19118-0308

Date:

July 27, 2004

C Douglas Spuck  
C. Douglas Spuck

**EXHIBIT "D"**

# CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy AFFIDAVIT No. 37696

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

## **\*RETURN DOCUMENT TO:**

CLEARFIELD CO SHERIFF

Instrument Number - 200413127

Recorded On 8/11/2004 At 3:46:00 PM

\* Instrument Type - DEED

\* Total Pages - 5

Invoice Number - 115787

\* Grantor - CLEARFIELD CO SHERIFF

\* Grantee - AURORA LOAN SERVICES INC

\* Customer - CLEARFIELD CO SHERIFF

### **\* FEES**

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL	\$28.50

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*

Karen L. Starck  
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

# **Do Not Detach**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

## 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 \$38,000.00 plus costs

, to me in hand, do hereby grant and convey to

**AURORA LOAN SERVICES, INC.**

the following described property, to wit:

### DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a nail in the centerline of Route 255, said point being the Northeast corner hereof; thence South 20 degrees 37' 22" East through lands conveyed by Royer to Brandon 156.85 feet to a railroad right of way; thence South 64 degrees 58' 49" West by said right of way 369.85 feet to an iron pipe set by survey of Harry A. Robb; thence North 25 degrees 01' 11" West through lands conveyed to C. Douglas Spuck by deed of Aileen J. Spuck 115.91 feet to a nail in the centerline of Route 255; thence North 58 degrees 55' 45" East along said centerline 384.01 feet to a nail in said centerline and the place of beginning.

CONTAINING 1.172 acres.

BEING Tax Parcel # 128-D03-000-88.

BEING KNOWN AS Rd #2, Box 35 A

SEIZED, taken in execution and sold as the property of C. DOUGLAS SPUCK, at the suit of AURORA LOAN SERVICES, INC. JUDGMENT NO. 00-1119-CD.

Now, AUGUST 11, 2004 the same having been sold by me to the said grantee on the 4TH day of JUNE Anno Domini two thousand and four after due advertisement according to law, under and by virtue of writ of execution issued on the 11TH day of FEBRUARY Anno Domini two thousand and four out of the Court of Common Pleas of said County of Clearfield as of case number 00-1119-CD at the suit of

AURORA LOAN SERVICES, INC.

against

C. DOUGLAS SPUCK

IN WITNESS WHEREOF, I have hereunto affixed my signature this 11TH day of AUGUST Anno Domini Two thousand and four.



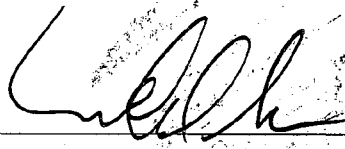
The image shows a handwritten signature in cursive, which appears to read "Charles H. Smith", written over a circular official seal. The seal contains the text "SHERIFF" and "SEAL" and is partially obscured by the signature. Below the signature, the word "Sheriff" is printed.

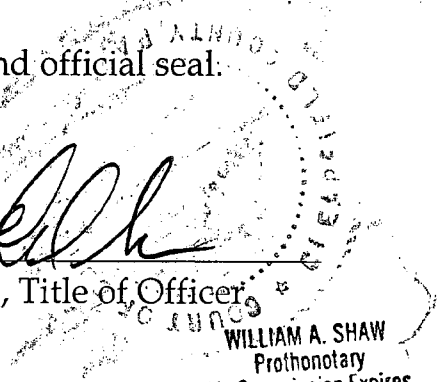
Sheriff

State of Pennsylvania  
County of Clearfield

On 11TH day of AUGUST, 2004, 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 thereinstated 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. 2006  
Clearfield Co., Clearfield, PA

#### CERTIFICATE OF RESIDENCE

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

  
Sheriff of Clearfield County

AURORA LOAN SERVICES, INC.  
601 FIFTH AVENUE  
SCOTTSBLUFF, NE 69361

**Deed - Poll.**

---

**No.**

---

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

**TO**

**AURORA LOAN SERVICES, INC.**

**601 FIFTH AVENUE**

**SCOTTSBLUFF, NE 69361**

**SHERIFF DEED**

---

**Dated AUGUST 11, 2004**  
**For \$38,000.00 + COSTS**

**Sold as the property of**  
**C. DOUGLAS SPUCK**

**Sold on 00-1119-CD**

KIVITZ & KIVITZ, P.C.  
BY: JAY E. KIVITZ, ESQUIRE  
I.D. #26769  
7901 Ogontz Avenue  
P.O. Box 27368  
(215) 549-2525  
Philadelphia, PA 19118-0308

Attorney for Plaintiff  
Aurora Loan Services, Inc.

AURORA LOAN SERVICES, INC.

: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY

vs.

:  
: NO. 04-998-CD

C. DOUGLAS SPUCK and  
JOHN DOE and JANE DOE, Tenant Occupiers

:  
:

NOV 03 2004

COURT ADMINISTRATOR'S  
OFFICE

**MEMORANDUM OF LAW**

**I. FACTS:**

Plaintiff, Aurora Loan Services, Inc., was the successful bidder at a mortgage foreclosure Sheriff's Sale on June 4, 2004 for premises RD#2, Box 35A, Philadelphia, PA. The former owner of the premises was C. Douglas Spuck. On or June 18, 2004 counsel for the Plaintiff sent a letter to the defendants advising them that the premises had been sold to the Plaintiff and that the Plaintiff demanded possession of the premises. The Defendants refused to vacate, Plaintiff filed this action and the defendants filed an Answer which only alleged that the Sheriff's sale was illegal. A deed conveying the premises from the Sheriff of Clearfield County to Aurora was recorded in the Recorder's Office for Clearfield County on August 11, 2004.

**II. ISSUE:**

Is Plaintiff entitled to possession of premises RD#2, Box 35A, Dubois, PA 15801.

Suggested Answer: Yes

**III. DISCUSSION:**

Rule 1035.1 of the Pennsylvania Rules of Civil Procedure provides that any party may move for the



entry of summary judgment where the record shows there is no genuine issue as to any material fact, and that the moving party is entitled to a judgment as a matter of law. Pa. R.C.P. 1035, Jonnel Enterprises Inc., 219 Super Ct., 198, 280 A.2d 570 (1971). The functions of the motion for summary judgment are to expedite litigation, Phaff v. Gerner, 451 Pa 146, 303 A.2d 826 (1973) and to avoid unnecessary trials. Giannini v. Carden, 429 A.2d 24 (1981). In passing upon the motion, a court must examine the record in the light most favorable to the moving party and resolve all doubt against the moving party. Mariscotti v. Tinari, 335 Sup Ct. 599, 485 A 2d 56 (1984).

A party may support its position when filing for the motion by filing affidavits. Pa R.C.P. 1035.4 is clear that all supporting affidavits must be made on personal knowledge, must set forth facts that would be admissible in evidence, and must show affirmatively that the signer is competent to testify to the matters stated therein. Pa R.C.P.1035.4, Phaff v. Gerner, 451 Pa. 146 303 A.2d 826 (1973).

The averments of Plaintiff's Motion, together with the supporting Exhibits and Affidavit and the Defendants' admissions show clearly and without any doubt that there are no genuine issues as to any material facts, and that Plaintiff is entitled to entry of summary judgment as a matter of law. Even if the record is reviewed in a light favorable to the defendants, they have not demonstrated that they have any right, title or interest in the premises superior to that of the Plaintiff. The denials contained in the defendants' answer are general denials only, and do not raise any issues as to any claimed right of possession by the defendants. The exhibits attached to the motion clearly show that the Plaintiff is now the title owner of the premises and as a matter of law, is entitled to possession of same.


Although the defendants contest the validity of the Sheriff's Sale, Pa. R.C.P. 3132 requires that any

petition objecting to a sale be filed before delivery of the Sheriff's Deed. No such petition was ever filed in the underlying foreclosure action.

**IV. CONCLUSION:**

Plaintiff is entitled to possession of premises RD#2, Box 35A, Dubois, PA 15801.

Respectfully submitted,  
KIVITZ & KIVITZ, P.C.

  
\_\_\_\_\_  
Jay E. Kivitz, Esquire  
Attorney for Plaintiff

FILED

*in 12:00 PM, 11/03/2004*

261 NOV 03 2004

KIVITZ & KIVITZ, P.C.  
BY: Jay E. Kivitz, ESQUIRE  
I.D. #26769  
7901 Ogontz AVENUE  
PO BOX 27368  
Philadelphia, PA. 19118-0308  
(215) 549-2525

William A. Shaw  
Prothonotary

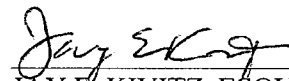
AURORA LOAN SERVICES, INC.	:	COURT OF COMMON PLEAS
v.	:	CLEARFIELD COUNTY
	:	
C. DOUGLAS SPUCK	:	# 04-998-CD
	:	

**VERIFICATION OF SERVICE**

Jay E. Kivitz, Esquire, Attorney for the Plaintiff in the above matter, hereby verifies that he mailed a true and correct copy of the Plaintiff's Motion for Summary Judgment, Memorandum of Law, Order and Verification of Service, by first class mail, postage prepaid, to the following addresses:

C. DOUGLAS SPUCK  
RD #8, BOX 35 A  
DUBOIS, PA 15801

Attorney for Plaintiff verifies that the statements made above are true and correct and understands that false statements herein are made subject to the penalties of 18 Pa., C.S. §4904, relating to unsworn falsification to authorities.

  
JAY E. KIVITZ, ESQUIRE  
Attorney for Plaintiff

Date: November 2, 2004

CA

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

AURORA LOAN SERVICES, INC. :

vs. :

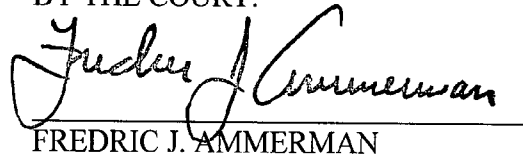
No. 04-998-CD

C. DOUGLAS SPUCK and :  
JOHN DOE and JANE DOE, Tenant :  
Occupiers :

**ORDER**

AND NOW, this 4th day of November, 2004, it is the ORDER  
of the Court that argument on Plaintiff's Motion for Summary Judgment filed in  
the above matter has been scheduled for the 14 day of December  
2004, at 1:30 P.M. in Courtroom No. 1, Clearfield County  
Courthouse, Clearfield, PA.

BY THE COURT:



FREDRIC J. AMMERMAN  
President Judge

FILED

11:56 AM E62  
NOV 04 2004

William A. Shaw  
Prothonotary/Clerk of Courts  
3cc Memo Re: Service  
to Amy Kivitz

**FILED**

**NOV 04 2004**

William A. Shaw  
Prothonotary/Clerk of Courts



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see PA. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

**\*\*\* Please note: This also includes service of scheduling orders obtained as the result of the filing of any pleading.**

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

AURORA LOAN SERVICES, INC. :

VS. : NO. 04-998-CD

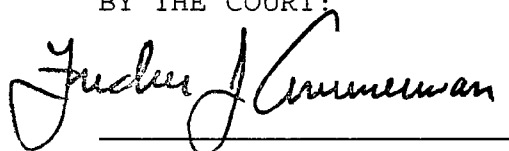
C. DOUGLAS SPÜCK and JOHN DOE :

and JANE DOE, Tenant Occupiers :

O R D E R

NOW, this 14th day of December, 2004, upon consideration of Plaintiff's Motion for Summary Judgment; with the Court noting that neither the Defendants nor anyone operating on their behalf have appeared, it is hereby ORDERED and DECLARED that judgment in ejectment for the premises located at R. D. #2, Box 35A, DuBois, PA 15801 is entered in favor of Plaintiff, Aurora Loan Services, Inc., and against the Defendants C. Douglas Spuck and John Doe and Jane Doe, Tennant Occupiers.

BY THE COURT:



President Judge

FILED <sup>EGK</sup>  
1:56 PM 400 City Court

DEC 15 2004

William A. Shaw  
Prothonotary

KIVITZ & KIVITZ, P.C.  
By: Jay E. Kivitz, Esquire  
ID# 26769  
7901 Ogontz Avenue  
P.O. Box 27368  
Philadelphia, PA 19118-0308  
(215) 549-2525

Attorney for Plaintiff

Aurora Loan Services, Inc.

vs.


C. Douglas Spuck and  
JOHN DOE and JANE DOE, Tenant Occupiers

: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
:  
: #04-998 CD

**PRAECIPE FOR JUDGMENT FOR POSSESSION**

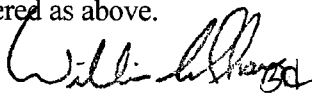
TO THE PROTHONOTARY;

Kindly enter Judgment for Possession of the premises against defendants C. Douglas Spuck and John Doe and Jane Doe, tenant/occupiers in accordance with the attached Court Order. See legal description attached.

  
JAY E. KIVITZ, ESQUIRE  
Attorney for Plaintiff

**ASSESSMENT OF DAMAGES**

AND NOW, January 13, 2005 Judgment is entered as above.

  
Pro. Prothy.

FILED  
64 m 30/04 16 CC  
JAN 13 2005 Notices to Defs.  
William A. Shaw  
Prothonotary/Clerk of Courts



**Property Description**

**ALL THAT CERTAIN** piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEGINNING** at a nail in the centerline of Route 255, said point being the Northeast corner hereof; thence South 20 degrees 37' 22" East through lands conveyed by Royer to Brandon 156.85 feet to a railroad right of way; thence South 64 degrees 58' 49" West by said right of way 369.85 feet to an iron pipe set by survey of Harry A. Robb; thence North 25 degrees 01' 11" West through lands conveyed to C. Douglas Spuck by deed of Aileen J. Spuck 15.91 feet to a nail in the centerline of Route 255; thence North 58 degrees 55' 45" East along said centerline 384.01 feet to a nail in said centerline and the place of beginning.

**CONTAINING** 1.172 acres.

**BEING** Tax Parcel #128-D03-000-88.

**Being known as RD #2, Box 35 A.**

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

AURORA LOAN SERVICES, INC. :  
VS. : NO. 04-998-CD  
C. DOUGLAS SPUCK and JOHN DOE :  
and JANE DOE, Tenant Occupiers :

O R D E R

NOW, this 14th day of December, 2004, upon consideration of Plaintiff's Motion for Summary Judgment; with the Court noting that neither the Defendants nor anyone operating on their behalf have appeared, it is hereby ORDERED and DECLARED that judgment in ejectment for the premises located at R. D. #2, Box 35A, DuBois, PA 15801 is entered in favor of Plaintiff, Aurora Loan Services, Inc., and against the Defendants C. Douglas Spuck and John Doe and Jane Doe, Tennant Occupiers.

BY THE COURT:

/s/ Fredric J. Ammerman

President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

DEC 15 2004

Attest.

*W. J. [Signature]*  
Prothonotary/  
Clerk of Courts

**Property Description**

**ALL THAT CERTAIN** piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEGINNING** at a nail in the centerline of Route 255, said point being the Northeast corner hereof; thence South 20 degrees 37' 22" East through lands conveyed by Royer to Brandon 156.85 feet to a railroad right of way; thence South 64 degrees 58' 49" West by said right of way 369.85 feet to an iron pipe set by survey of Harry A. Robb; thence North 25 degrees 01' 11" West through lands conveyed to C. Douglas Spuck by deed of Aileen J. Spuck 15.91 feet to a nail in the centerline of Route 255; thence North 58 degrees 55' 45" East along said centerline 384.01 feet to a nail in said centerline and the place of beginning.

**CONTAINING** 1.172 acres.

**BEING** Tax Parcel #128-D03-000-88.

**Being known as RD #2, Box 35 A.**

KIVITZ & KIVITZ, P.C.  
BY: Jay E. Kivitz, Esquire  
I.D. #26769  
7901 Ogontz Avenue  
P.O. Box 27368  
Philadelphia, PA 19118-0308  
(215) 549-2525

Attorney for Plaintiff

Aurora Loan Services, Inc.

vs.

C. Douglas Spuck and  
JOHN DOE and JANE DOE, Tenant Occupiers

: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY

: #04-998 CD

**VERIFICATION OF NON-MILITARY SERVICE**

The undersigned hereby verifies that to the best of their knowledge, information and belief the Defendant is 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 C. Douglas Spuck is over 21 years of age and his last known address is RD #2, Box 35 A, Dubois, PA 15801 his last known employment is unknown.

The undersigned verifies that the statements made above are true and correct and understands that false statements herein are made subject to the penalties 18 Pa C.S. § 4904, relating to unsworn falsification to authorities.

  
Marc Butridge, Foreclosure Analyst

Marc Butridge

**FILED**

**JAN 13 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

# OFFICE OF THE PROTHONOTARY

## COURT OF COMMON PLEAS

230 E. MARKET STREET\* CLEARFIELD, PA. 16830

WILLIAM A. SHAW

### PROTHONOTARY

To: C. Douglas Spuck  
RD #2, Box 35 A  
Dubois, PA 15801

Aurora Loan Services, Inc.

vs.

C. Douglas Spuck and  
JOHN DOE and JANE DOE, Tenant Occupiers

: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY

: #04-998 CD

### NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

11/13/05  
WILLIAM A. SHAW  
*Prothonotary*

☐

Judgment by Default

☐

Money Judgment

☐

Judgment in Replevin

☒

**Judgment for Possession**

☐

Judgment on Award of Arbitration

☐

Judgment on Verdict

☐

Judgment on Court Findings

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY: Jay E. Kivitz, Esquire

At this telephone number: (215) 549-2525

# OFFICE OF THE PROTHONOTARY

## COURT OF COMMON PLEAS

230 E. MARKET STREET\* CLEARFIELD, PA. 16830

WILLIAM A. SHAW

### PROTHONOTARY

Copy

To: John Doe, Tenant/Occupier  
RD #2, Box 35 A  
Dubois, PA 15801

Aurora Loan Services, Inc.

vs.

C. Douglas Spuck and  
JOHN DOE and JANE DOE, Tenant Occupiers

: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
:  
: #04-998 CD

### NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

11/3/05

WILLIAM A. SHAW  
*Prothonotary*

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| <input type="checkbox"/>            | Judgment by Default              |
| <input type="checkbox"/>            | Money Judgment                   |
| <input type="checkbox"/>            | Judgment in Replevin             |
| <input checked="" type="checkbox"/> | <b>Judgment for Possession</b>   |
| <input type="checkbox"/>            | Judgment on Award of Arbitration |
| <input type="checkbox"/>            | Judgment on Verdict              |
| <input type="checkbox"/>            | Judgment on Court Findings       |

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY: Jay E. Kivitz, Esquire

At this telephone number: (215) 549-2525

# OFFICE OF THE PROTHONOTARY

## COURT OF COMMON PLEAS

230 E. MARKET STREET\* CLEARFIELD, PA. 16830

WILLIAM A. SHAW

### PROTHONOTARY

To: Jane Doe, Tenant/Occupier  
RD #2, Box 35 A  
Dubois, PA 15801

Aurora Loan Services, Inc.

vs.

C. Douglas Spuck and  
JOHN DOE and JANE DOE, Tenant Occupiers

: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
:  
: #04-998 CD

### NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

WILLIAM A. SHAW  
*Prothonotary*

11/3/05

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| <input type="checkbox"/>            | Judgment by Default              |
| <input type="checkbox"/>            | Money Judgment                   |
| <input type="checkbox"/>            | Judgment in Replevin             |
| <input checked="" type="checkbox"/> | <b>Judgment for Possession</b>   |
| <input type="checkbox"/>            | Judgment on Award of Arbitration |
| <input type="checkbox"/>            | Judgment on Verdict              |
| <input type="checkbox"/>            | Judgment on Court Findings       |

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY: Jay E. Kivitz, Esquire

At this telephone number: (215) 549-2525



**Commonwealth of Pennsylvania****COUNTY OF CLEARFIELD****COURT OF COMMON PLEAS**

Aurora Loan Services, Inc.

vs.

C. Douglas Spuck and  
JOHN DOE and JANE DOE, Tenant Occupiers: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY

: #04-998 CD

**PRAECIPE FOR WRIT OF POSSESSION****TO THE PROTHONOTARY:**

Issue Writ of Possession in the above matter for possession of (describe property)

**ALL THAT CERTAIN** piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:**BEGINNING** at a nail in the centerline of Route 255, said point being the Northeast corner hereof; thence South 20 degrees 37' 22" East through lands conveyed by Royer to Brandon 156.85 feet to a railroad right of way; thence South 64 degrees 58' 49" West by said right of way 369.85 feet to an iron pipe set by survey of Harry A. Robb; thence North 25 degrees 01' 11" West through lands conveyed to C. Douglas Spuck by deed of Aileen J. Spuck 15.91 feet to a nail in the centerline of Route 255; thence North 58 degrees 55' 45" East along said centerline 384.01 feet to a nail in said centerline and the place of beginning.**CONTAINING** 1.172 acres.**BEING** Tax Parcel #128-D03-000-88.**Being known as RD #2, Box 35 A.****FILED**

OK JAN 13 2005

William A. Shaw  
Prothonotary/Clerk of CourtsAtty pd. 20.00  
ice & lew rts w/ descr.  
to shffJay [Signature]  
Attorney(s) for Plaintiff(s)

**FILED**

**JAN 13 2005**

*William A. Shaw*  
Prothonotary/Clerk of Courts

# Commonwealth of Pennsylvania

## COUNTY OF CLEARFIELD

### COURT OF COMMON PLEAS

Aurora Loan Services, Inc.

vs.

C. Douglas Spuck and  
JOHN DOE and JANE DOE, Tenant Occupiers

: COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
:  
: #04-998 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:

Aurora Loan Services, Inc

2) To satisfy the costs against

C. Douglas Spuck and JOHN DOE and JANE DOE, Tenant Occupiers

directed to levy upon any property of

RD #2, Box 35 A

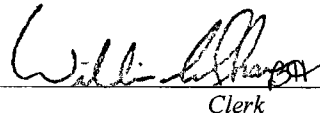
interest therein.

you are

and sell

**William Shaw, Prothonotary**

By

  
Clerk

Date

1/13/05

**COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD**

No. 04-998-CD

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Aurora Loan Services, Inc.

V..

C. Douglas Spuck and  
John Doe, Jane Doe, Tenant/Occupiers

---

**Writ of Possession**

**Premises: RD #2, Box 35 A, Dubois, PA**

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Jay E. Kivitz Esquire  
7901 Ogontz Avenue  
Clearfield, PA 19150  
(215) 549-2525

**Property Description**

**ALL THAT CERTAIN** piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

**BEGINNING** at a nail in the centerline of Route 255, said point being the Northeast corner hereof; thence South 20 degrees 37' 22" East through lands conveyed by Royer to Brandon 156.85 feet to a railroad right of way; thence South 64 degrees 58' 49" West by said right of way 369.85 feet to an iron pipe set by survey of Harry A. Robb; thence North 25 degrees 01' 11" West through lands conveyed to C. Douglas Spuck by deed of Aileen J. Spuck 15.91 feet to a nail in the centerline of Route 255; thence North 58 degrees 55' 45" East along said centerline 384.01 feet to a nail in said centerline and the place of beginning.

**CONTAINING** 1.172 acres.

**BEING** Tax Parcel #128-D03-000-88.

**Being known as RD #2, Box 35 A.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20085  
NO: 04998-CD

PLAINTIFF: AURORA LOAN SERVICES, INC.

vs.

DEFENDANT: C. DOUGLAS SPUCK AND JOHN DOE AND JANE DOE, TENANT OCCUPIERS

Execution POSSESSION

SHERIFF RETURN

DATE RECEIVED WRIT: 01/13/2005

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 03/06/2006

DATE DEED FILED

PRCPERTY ADDRESS RD #2, BOX 35A POSS 911 (4210 BEE LINE HWY) DUBOIS , PA 15801

SERVICES

@  
HOUSE EMPTY NOT SERVED.

SERVED C. DOUGLAS SPUCK

@  
HOUSE EMPTY NOT SERVED.

SERVED JOHN DOE, TENANT/OCCUPIERS

@  
HOUSE EMPTY NOT SERVED.

SERVED JANE DOE, TENANT/OCCUPIERS

@ SERVED

FILED

018:57.04  
MAR 06 2006

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20085  
NO: 04998-CD

PLAINTIFF: AURORA LOAN SERVICES, INC.

vs.

DEFENDANT: C. DOUGLAS SPUCK AND JOHN DOE AND JANE DOE, TENANT OCCUPIERS

Execution POSSESSION

SHERIFF RETURN

---

SHERIFF HAWKINS \$36.00


SURCHARGE \$30.00 PAID BY ATTORNEY

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006

\_\_\_\_\_

So Answers,

  
Chester A. Hawkins  
Sheriff

# Commonwealth of Pennsylvania

## COUNTY OF CLEARFIELD

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vs.

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you are

and sell

William Shaw, Prothonotary

By

  
Clerk

Date

1/13/05

10-207 (Rev. 9/95)

C:\documents\MORTGFCL\Writ of Possession-

Received January 13, 2005 @ 3:00 P.M.

Chester A. Hankins

by Cynthia B. - Cuyler



**COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD**

No. 04-998-CD

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Aurora Loan Services, Inc.

V..

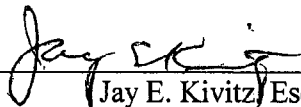
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**Writ of Possession**

**Premises: RD #2, Box 35 A, Dubois, PA**

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**Being known as RD #2, Box 35 A.**

LAW OFFICES  
KIVITZ & KIVITZ, P.C.  
7901 OGONTZ AVENUE  
P.O. BOX 27368  
PHILADELPHIA, PA 19118-0308

SEYMOUR KIVITZ  
JAY E. KIVITZ

(215) 549-2525

FACSIMILE  
(215)424-8002

**FACSIMILE COVER SHEET**

DATE: February 11, 2005  
TO: Chester Hawkins, Sheriff  
COMPANY: Clearfield County Courthouse  
DEPT.: Sheriff's Dept./Ejectments  
FAX: (814) 765-5915  
PHONE: (814) 765-2641 ext. 1361

PAGES: (Incl. this page) 1  
FROM: Karen Higgins

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL:**

(215) 549-2525  
**REPLY FAX (215) 424-8002**

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RE: Aurora Loan Services, Inc. v. C. Douglas Spuck  
CCP Clearfield Cty. #04-998 CD

Kindly **CANCEL** the captioned **EVICTON** as the mortgagor has **VACATED THE PREMISES**.

Thank you.

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