

2004-1321-CD
WASHINGTON MUTUAL, F.A. SUCCESSOR
TO NORTH AMERICAN MORTGAGE COMPANY

VS. GARY TONER, TAMMY
TONER, OR OCCUPANTS

Washington Mutual et al vs Gary Toner et al
2004-1321-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION

Washington Mutual, F.A. Successor to North American Mortgage Company

Docket# ~~04-338-LD~~
~~04-1321-CO~~
Complaint in Ejectment

v.

Gary Toner and Tammy L. Toner or Occupants

Ejectment

CERTIFICATE OF LOCATION:

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

PO Box 39 Berwind Street
Irvona, PA 16656

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 ^{66K}
10/3/04 10C Shff
AUG 25 2004 Atty pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

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

WASHINGTON MUTUAL, F.A.

SUCCESSOR TO NORTH AMERICAN

MORTGAGE COMPANY

9451 CORBIN AVENUE

NORTHRIDGE CA 91324

PLAINTIFF

VS.

GARY TONER AND TAMMY L. TONER

OR OCCUPANTS

PO BOX 39 BERWIND STREET

IRVONA PA 16656

DEFENDANT

Attorney for Plaintiff

: COURT OF COMMON PLEAS

: CLEARFIELD COUNTY

: CASE NO: 04-338-LD

CIVIL ACTION - EJECTMENT

NOTICE

ADVISIO

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. 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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Le han demandado a usted en la corte. Si usted quiere defendarse 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 VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO . ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.

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

WASHINGTON MUTUAL, F.A.
SUCCESSOR TO NORTH AMERICAN
MORTGAGE COMPANY
9451 CORBIN AVENUE
NORTHRIDGE CA 91324
PLAINTIFF

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
:
:
:
: CASE NO: 04-338-LD

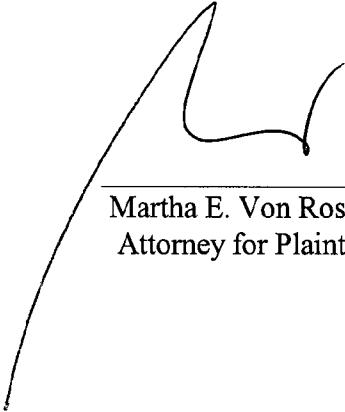
VS.
GARY TONER AND TAMMY L. TONER
OR OCCUPANTS
PO BOX 39 BERWIND STREET
IRVONA PA 16656
DEFENDANT

CIVIL ACTION – EJECTMENT

1. Plaintiff, Washington Mutual, F.A. Successor to North American Mortgage Company, is the owner of premises known as PO Box 39 Berwind Street Irvona PA 16656, 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 August 6, 2004 in the execution of a judgment in mortgage foreclosure obtained in the Court of Common Pleas of Clearfield County, Term No. 04-338-LD 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 Gary Toner and Tammy L. Toner 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.



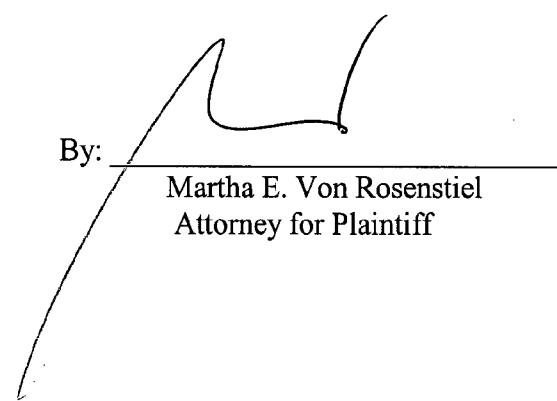
Martha E. Von Rosenstiel
Attorney for Plaintiff

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:
15221

Legal Description

ALL that certain piece or parcel of land situate in the Borough of Irvona, Clearfield County, Pennsylvania, being known as part of Lot No. 188 in the Plan of the said Borough, bounded and described as follows:

Beginning at a point on Berwind Street at a point where said street is intersected by the boundary line between Lots #188 and #187, thence along the aforesaid boundary line and at right angles to Berwind Street one hundred fifty (150) feet to an alley; thence along said alley in an approximately direction thirty (30) feet; thence by residue of lot #188 one hundred fifty (150) feet to Berwind Street; thence along Berwind Street thirty (30) feet to the place of beginning.

Parcel #110-H16-353-144 & 110-H16-353-144-TL-01

Deed Book: 597 Pg: 210

AND BEING the same premises which were sold to Washington Mutual, F.A., as Trustee by the Sheriff of Clearfield County on August 6, 2004 in execution of a judgment in mortgage foreclosure entered in the Court of Common Pleas of Clearfield County in the matter of Washington Mutual, F.A., as Trustee v. Gary Toner and Tammy L. Toner, Docket No.04-338-LD.

In The Court of Common Pleas of Clearfield County, Pennsylvania

WASHINGTON MUTUAL

VS.

TONER, GARY & TAMMY L.

COMPLAINT IN EJECTMENT

Sheriff Docket # 16198

04-1321-CD

SHERIFF RETURNS

NOW SEPTEMBER 30, 2004 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE WITHIN COMPLAINT IN EJECTMENT "NOT FOUND" AS TO GARY TNOER & TAMMY L. TONER or OCCUPANTS, DEFENDANT. RESIDENCE OF PO BOX 39, BERWIND ST., IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA IS "EMPTY".

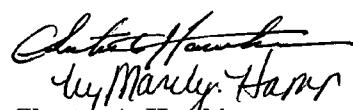
Return Costs

Cost	Description
34.25	SHERIFF HAWKINS PAID BY: ATTY CK# 35860
10.00	SURCHARGE PAID BY: ATTY CK# 35859

Sworn to Before Me This

8 Day Of October 2004
William A. Shaw

So Answers,


by Marly Hawkins
Chester A. Hawkins
Sheriff

FILED

O 3-11 B&W NOZ

OCT 08 2004 *ebk*

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION

Washington Mutual, F.A. Successor to North American Mortgage Company

Docket# ~~04-338-LD~~

04-1321-CD

v.

Complaint in Ejectment

Gary Toner and Tammy L. Toner or Occupants

Ejectment

CERTIFICATE OF LOCATION:

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

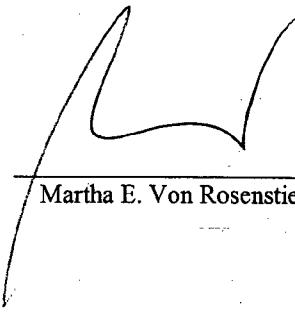
PO Box 39 Berwind Street
Irving, PA 16656

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

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

AUG 25 2004

Attest.

William C. Shaw
Prothonotary/
Clerk of Courts

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

WASHINGTON MUTUAL, F.A.
SUCCESSOR TO NORTH AMERICAN
MORTGAGE COMPANY
9451 CORBIN AVENUE
NORTHRIDGE CA 91324

PLAINTIFF

VS.

GARY TONER AND TAMMY L. TONER
OR OCCUPANTS
PO BOX 39 BERWIND STREET
IRVONA PA 16656

DEFENDANT

Attorney for Plaintiff

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
:
:
:
CASE NO: 04-338-LD

:

:

:

:

CIVIL ACTION - EJECTMENT

NOTICE

ADVISIO

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. 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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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 VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO. ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.

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

WASHINGTON MUTUAL, F.A.
SUCCESSOR TO NORTH AMERICAN
MORTGAGE COMPANY
9451 CORBIN AVENUE
NORTHRIDGE CA 91324
PLAINTIFF

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
:
:
:
: CASE NO: 04-338-LD

VS.

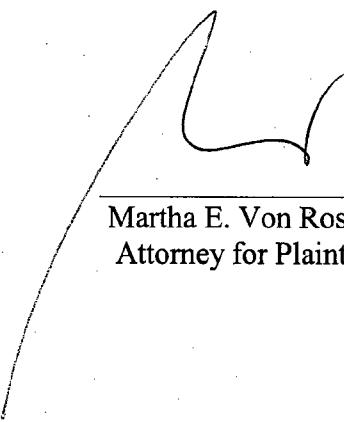
GARY TONER AND TAMMY L. TONER
OR OCCUPANTS
PO BOX 39 BERWIND STREET
IRVONA PA 16656
DEFENDANT

CIVIL ACTION – EJECTMENT

1. Plaintiff, Washington Mutual, F.A. Successor to North American Mortgage Company, is the owner of premises known as PO Box 39 Berwind Street Irvona PA 16656, 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 August 6, 2004 in the execution of a judgment in mortgage foreclosure obtained in the Court of Common Pleas of Clearfield County, Term No. 04-338-LD 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 Gary Toner and Tammy L. Toner 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.

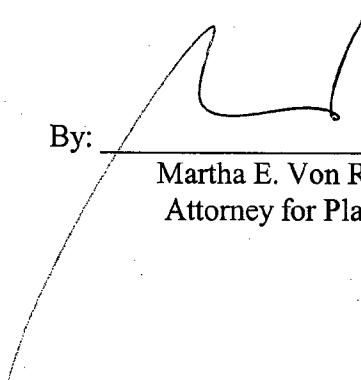


Martha E. Von Rosenstiel
Attorney for Plaintiff

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:
15221

Legal Description

ALL that certain piece or parcel of land situate in the Borough of Iriona, Clearfield County, Pennsylvania, being known as part of Lot No. 188 in the Plan of the said Borough, bounded and described as follows:

Beginning at a point on Berwind Street at a point where said street is intersected by the boundary line between Lots #188 and #187, thence along the aforesaid boundary line and at right angles to Berwind Street one hundred fifty (150) feet to an alley; thence along said alley in an approximately direction thirty (30) feet; thence by residue of lot #188 one hundred fifty (150) feet to Berwind Street; thence along Berwind Street thirty (30) feet to the place of beginning.

Parcel #110-H16-353-144 & 110-H16-353-144-TL-01

Deed Book: 597 Pg: 210

AND BEING the same premises which were sold to Washington Mutual, F.A., as Trustee by the Sheriff of Clearfield County on August 6, 2004 in execution of a judgment in mortgage foreclosure entered in the Court of Common Pleas of Clearfield County in the matter of Washington Mutual, F.A., as Trustee v. Gary Toner and Tammy L. Toner, Docket No.04-338-LD.