

04-1632-CD
BENEFICIAL CONSUMER DISCOUNT CO. vs. SANDRA L. PENTZ

Beneficial Consumer vs Sandra Pentz
2004-1632-CD

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorney for Plaintiff

FILED 2cc
m/2:50/01 shff
OCT 18 2004 Atty pd.
William A. Shaw
Prothonotary/Clerk of Courts 85.00

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Sandra L. Pentz	Clearfield County Court of Common Pleas Number: 04-1632-CJ
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COMPLAINT IN EJECTMENT

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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 HELP.

Raymond L. Billotte, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 51

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar 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 avisado que si usted no se defiende, la corte tomara 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 u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE 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.

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BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

123 South Broad Street, Suite 2080

Philadelphia, Pennsylvania 19109

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Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania P.O. Box 8621 Elmhurst, IL 60126 vs. Sandra L. Pentz 1404 Powell Avenue, Hyde, PA 16843	Clearfield County Court of Common Pleas Number
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COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 1404 Powell Avenue, Hyde, PA 16843, the full legal description of which is attached hereto, made a part hereof, and marked as Exhibit "A."

2. Plaintiff acquired title by reason of a Sheriff's Sale conducted by the Sheriff of Clearfield County on August 6, 2004, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 2003-1505-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Sandra L. Pentz .

3. Defendants are in possession of the foregoing described premises without title, color of title, or benefit of a lease from Plaintiff.

4. Defendants are wrongfully and unlawfully in possession of the premises.

5. Defendants have no rights of possession to said premises.

6. By reason of the aforesaid Sheriff's sale, Plaintiff holds paramount title to the premises but Defendants continue to unlawfully and willfully retain possession and keep Plaintiff out of possession thereof and refuse to vacate and deliver up the said premises to Plaintiff.

7. As no landlord tenant relationship exists between Plaintiff and Defendants, Defendants are not entitled to any specific notice to vacate. The commencement of an action in foreclosure culminating in a sheriff's sale should have put the Defendants on notice that Plaintiff intends to recover full interest, title, and possession of the premises.

8. Additionally, prior to the filing of the complaint in foreclosure, Defendant was sent an ACT 91 Notice which notice contained, inter alia, the following paragraph:

"EFFECT OF SHERIFF'S SALE— you should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff's Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the lender at anytime."

9. Notwithstanding the aforesaid, Defendants have willfully remained in possession of Plaintiff's property and refuse, and still refuse to vacate the premises and continue to occupy the same.

WHEREFORE, Plaintiff demands a judgment be entered in its favor for possession of the property.



TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, verify that the statements made in the foregoing document 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.

A handwritten signature in black ink, appearing to read 'T. McCabe', is written above a horizontal line.

TERRENCE J. MCCABE, ESQUIRE
Attorney for Plaintiff

EXHIBIT "A"

LEGAL DESCRIPTION

THE FIRST THEREOF ALL THAT CERTAIN LOT SITUATED IN LAWRENCE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, AND BEING A PART OF THE PLAN OF THE STEEL & IRON WORKS ADDITION TO CLEARFIELD.

BEING LOT NO. 13 IN BLOCK 33 ON SAID PLAN AND BEING FORTY(40) FEET ON POWELL AVENUE AND EXTENDING ONE HUNDRED TWENTY(120) FEET TO AN ALLEY; AND BEING MORE PARTICULARLY BOUNDED AS FOLLOWS; ON THE NORTH BY LOT NO. 12 ON THE EAST BY THE ALLEY; ON THE SOUTH LOT NO. 14; AND ON THE WEST BY POWELL AVENUE.

BEING THE SAME PREMISE AS WAS CONVEYED TO THEODORE A. CONDON AND HELEN HURLEY CONDON, HIS WIFE BY DEED OF W. WALLACE SMITH, ET AL DATED JULY 8, 1949 AND ENTERED FOR RECORD IN THE RECORDER'S OFFICE OF CLEARFIELD COUNTY IN DEED BOOK VOLUME 400, PAGE 78.

AND

THE SECOND THEREOF ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED AT HYDE CITY, LAWRENCE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, AND KNOWN IN THE PLAN OF THE STEEL AND IRON WORKS ADDITION TO CLEARFIELD, RECORDED IN THE RECORDER'S OFFICE OF CLEARFIELD COUNTY ON THE 16TH DAY OF SEPTEMBER, 1902, IN MISCELLANEOUS BOOK "S", PAGE 515 AS LOT NUMBER 14, IN BLOCK 33, SAID LOT FRONTING FORTY (40) FEET ON POWELL AVENUE AND EXTENDING IN DEPTH ONE HUNDRED TWENTY (120) FEET TO AN ALLEY.

BEING THE SAME PREMISES AS WERE CONVEYED TO THEODORE A. CONDON, AND HELEN H. CONDON, HUSBAND AND WIFE BY DEED OF ELIZABETH R. SMITH, WIDOW, DATED APRIL 2, 1973 AND ENTERED FOR RECORD IN THE RECORDER'S OFFICE OF CLEARFIELD COUNTY IN DEED BOOK VOLUME 687, PAGE 329.

Parcel ID #J09-623-0063 and J09-623-00122

Being Known As: 1404 Powell Avenue, Hyde, PA 16843.

SEIZED, taken in execution to be sold as the property of SANDRA L. PENIZ, at the suit of BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA. JUDGMENT NO. 03-1505-CD.

In The Court of Common Pleas of Clearfield County, Pennsylvania

BENEFICIAL CONSUMER DISCOUNT CO.

VS.

PENTZ, SANDRA L.

COMPLAINT IN EJECTMENT

Sheriff Docket #

16482

04-1632-CD

SHERIFF RETURNS

NOW OCTOBER 20, 2004 AT 1:38 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON SANDRA L. PENTZ, DEFENDANT AT RESIDENCE, 1404 POWELL AVE., HYDE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SANRA PENTZ A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: NEVLING/HUNTER

Return Costs

Cost	Description
21.00	SHERIFF HAWKINS PAID BY: ATTY CK# 49703

Sworn to Before Me This

4th Day Of Nov 2004

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

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED *EBK*
012:49/01
NOV 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

COPY

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Identification Number 16496

123 South Broad Street, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Attorney for Plaintiff

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

OCT 18 2004

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Sandra L. Pentz	Clearfield County Court of Common Pleas Number: 04-1632-CD
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Attest.

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