

05-161-CD  
JP Morgan et al vs. T. Weaver et al

THOMAS WEAVER, et al.

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

Attorney for Plaintiff

JP Morgan Chase Bank, As Trustee For Equity One,  
ABS, Inc., Mortgage Pass-Through Certificates,  
Series 2001-3  
10790 Rancho Bernardo Road  
San Diego, CA 19127

: Court of Common Pleas

: Civil Division

v.

: Clearfield County

: Term

Thomas Weaver  
Or Occupants  
107 South Franklin Street  
Dubois, PA 15801

: No. 05-161-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

loan: 0250683323

**FILED** *Aug pd.*  
*m12.15/01* 85.00  
FEB 03 2005 *1cc*  
William A. Shaw *Sheriff*  
Prothonotary/Clerk of Courts

1. Plaintiff is JP Morgan Chase Bank, As Trustee For Equity One, ABS, Inc., Mortgage Pass-Through Certificates, Series 2001-3.
2. Defendant is Thomas Weaver Or Occupants.
3. Plaintiff is equitable owner of premises located at 107 South Franklin Street, Dubois, PA 15801, 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 January 7, 2005.
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

EXHIBIT A

ALL THAT CERTAIN PROPERTY SITUATED IN THE BOROUGH OF DUBOIS IN THE COUNTY OF CLEARFIELD AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 02/21/1997 AND RECORDED 02/21/1997, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 1823 AND PAGE 49 AND AND BEING MORE FULLY DESCRIBED IN A DEED DATED 09/24/1992 AND RECORDED 11/18/1992, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 862 AND PAGE 429.

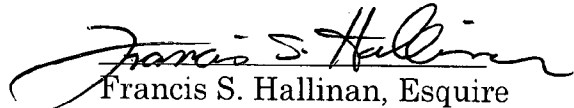
ADDRESS: 107 S FRANKLIN ST.; DUBOIS, PA 15801 TAX MAP OR  
PARCEL ID NO.: 7.1-2-427

## VERIFICATION

Francis S. Hallinan, Esquire hereby states that he is the Attorney for the Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to take this Verification, pursuant to Pa. R.C.P. 1024 (c) and that the statements made in the foregoing Civil Action in Ejectment are true and correct to the best of his knowledge, information and belief. Furthermore, it is counsel's intention to substitute a verification from Plaintiff as soon as it is received by counsel.

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.

Date: 2/2/05

  
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

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

Service # 1 of 1 Services

Sheriff Docket # **100203**

JP MORGAN CHASE BANK

Case # 05-161-CD

vs.

THOMAS WEAVER or OCCUPANTS

## SHERIFF RETURNS

NOW March 04, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN EJECTMENT "NOT FOUND" AS TO THOMAS WEAVER OR OCCUPANTS, DEFENDANT. 107 S. FRANKLIN ST., DUBOIS, PA. "EMPTY".

SERVED BY: /

**FILED**

03:32 PM  
MAR 04 2005

(OK)

William A. Shaw  
Prothonotary/Clerk of Courts

## Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	404070	10.00
SHERIFF HAWKINS	PHELAN	404070	29.39

Sworn to Before me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

\_\_\_\_\_

So Answers,

  
Chester A. Hawkins  
Sheriff

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

Attorney for Plaintiff

JP Morgan Chase Bank, As Trustee For Equity One,  
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: Court of Common Pleas

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v.

: Clearfield County

: Term

Thomas Weaver  
Or Occupants  
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Dubois, PA 15801

: No. 05-161-C2

:

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**We hereby certify this  
within to be a true and  
correct copy of the  
original filed of record**

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

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

FEB 03 2005

loan: 0250683323

Attest.

*William B. Brown*  
Prothonotary/  
Clerk of Courts

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WHEREFORE, plaintiff seeks to recover possession of said premises.

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Francis S. Hallinan, Esquire  
Attorney for Plaintiff



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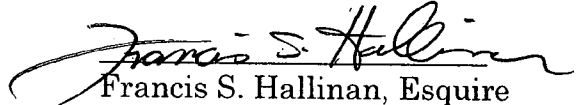
ADDRESS: 107 S FRANKLIN ST.; DUBOIS, PA 15801 TAX MAP OR  
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Date: 2/2/05

  
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

**PHELAN HALLINAN & SCHMIEG, LLP**

By: 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

**JP MORGAN CHASE BANK, AS TRUSTEE FOR EQUITY ONE,  
ABS, INC., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2001-3**

**Plaintiff**

**Court of Common Pleas**

**CLEARFIELD County**

**vs.**

**No. 05-161-CD**

**THOMAS WEAVER 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.

Date

3/29/05

Francis S. Hallinan

Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Attorneys for Plaintiff

**FILED**

m12:50 PM  
APR 01 2005

William A. Shaw  
Prothonotary/Clerk of Courts

OK  
No cc  
1 Cert. of Disc.  
to Atty  
copy to C/A

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

**CIVIL DIVISION**

COPY

**JP Morgan Chase Bank  
Equity One, ABS, Inc.**

**Vs.**

**No. 2005-00161-CD**

**Thomas Weaver  
Occupants**

**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 April 1, 2005, marked:

Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Francis S. Hallinan, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of April A.D. 2005.

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William A. Shaw, Prothonotary