

05-248-CD

Beneficial Consumer ve. John Doe

JOHN DOE, OCCUPANT

Beneficial Mort. et al. V. John Doe  
2005-248-CD

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

Attorney for Plaintiff

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania  VS. John Doe, Occupant	Clearfield County Court of Common Pleas  Number: 2005-248-cp
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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 SUFFICIENTE DE PAGAR TAL SERVICO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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

FILED

FEB 23 2005

1 CLEUR TO ATTY  
2 CLEUR TO SHAW

William A. Shaw  
Prothonotary

**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**

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvanian P.O. Box 8621 Elmhurst, IL 60126 vs. John Doe, Occupant RR1 Box 533, Houtzdale PA 16651	Clearfield County Court of Common Pleas Number
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**COMPLAINT IN EJECTMENT**

1. Plaintiff is the owner of the premises known as RR1 Box 533, Houtzdale PA 16651, 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 July 2, 2004, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 03-1226-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Michael J. Stewart and Joy E. Stewart.
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.



---

TERRENCE J. MCCABE, ESQUIRE  
Attorney for Plaintiff

**LEGAL DESCRIPTION**

**ALL THAT CERTAIN lot of land situate Woodward Township, Clearfield County, Pennsylvania more particularly bounded and described as follows:**

**BEGINNING at a point on the western right-of-way line of a township road, said point being fifty (50) feet north from the northeast corner of Grantors' house; thence along land of the Grantors in a generally westerly direction, a distance of one hundred (100) feet to a point; thence along other land of the Grantors in a generally northerly direction a distance of seventy-two (72) feet to a point; thence in a generally easterly direction a distance of one hundred (100) feet to a point on the Western right-of-way line of a township road; thence in a generally southerly direction along the western right-of-way of said road a distance of seventy-two (72) feet to a point, the place of beginning. Being a rectangular parcel of land seventy-two (72) feet by one hundred (100) feet, fronting seventy-two (72) feet on the western side of said township road and being improved with a house and integral garage.**

**BEING part of a larger tract of land owned by he Grantors.**

**PARCEL #130-L12-33**

**BEING KNOWN as RR 1 BOX 533, Houtzdale, PA 16651**

**TITLE TO SAID premises is vested in Michael J. Stewart and Joy E. Stewart by Deed from Ivan W. Yarger and Eleanor M. Yarger, his wife, dated 7/30/1981 and recorded 8/4/1981 in Deed Book 816 Page 402.**

**EXHIBIT "A"**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100251  
NO: 05-248-CD  
SERVICE # 1 OF 1  
COMPLAINT IN EJECTMENT

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY  
vs.  
DEFENDANT: JOHN DOE, OCCUPANT

SHERIFF RETURN

NOW, March 02, 2005 AT 11:31 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON JOHN DOE, OCCUPANT DEFENDANT AT RR#1 BOX 533, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MIKE STEWART, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

85-251  
**FILED**  
01014562  
APR 06 2005

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MCCABE	55588	10.00
SHERIFF HAWKINS	MCCABE	55588	32.58

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*  
*by Marilyn Hagan*  
Chester A. Hawkins  
Sheriff

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

Attorney for Plaintiff

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania  vs. John Doe, Occupant	Clearfield County Court of Common Pleas  Number: 2005 - 248- CO
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Raymond L. Billotte, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641, Ext. 51

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

FEB 23 2005

Attest.

*William L. Rose*  
Prothonotary/  
Clerk of Courts

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

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania P.O. Box 8621 Elmhurst, IL 60126 vs. John Doe, Occupant RR1 Box 533, Houtzdale PA 16651	Clearfield County Court of Common Pleas Number
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TERRENCE J. McCABE, ESQUIRE  
Attorney for Plaintiff

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TERRENCE J. MCCABE, ESQUIRE  
Attorney for Plaintiff

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**EXHIBIT "A"**

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Identification Number 16496  
123 South Broad Street, Suite 2080  
Philadelphia, PA 19109  
(215) 790-1010

Attorney for Plaintiff

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania	CLEARFIELD County
vs.	Court of Common Pleas
John Doe, Occupant	Number: 2005-248-CD

**PRAECIPE TO INDEX DEFENDANT**

TO THE PROTHONOTARY:

Kindly index Michael Stewart (Indexed Defendant), as a Defendant in the above-captioned matter pursuant to Pa.R.C.P. 410(b)(2). Sheriff's service return indicates that Michael Stewart (Indexed Defendant) he/she/they is/are Tenant/Occupant at the premises in the above-captioned matter.

  
TERRENCE J. MCCABE, ESQUIRE  
Attorney for Plaintiff

**FILED**

APR 22 2005

401W  
William A. Shaw  
Prothonotary  
2 CEN to Atm

FILED

APR 22 2005

William A. Shaw  
Prothonotary

McCABE, WEISBERG AND CONWAY, P.C.  
BY: FRANK DUBIN, ESQUIRE  
Identification Number 19280  
123 South Broad Street, Suite 2080  
Philadelphia, PA 19109  
(215) 790 - 1010

Attorney for Plaintiff

Beneficial Consumer Discount Company  
d/b/a Beneficial Mortgage Company of  
Pennsylvania

CLEARFIELD COUNTY

v.  
John Doe, Occupant  
Michael Stewart (Indexed Defendant)

COURT OF COMMON PLEAS

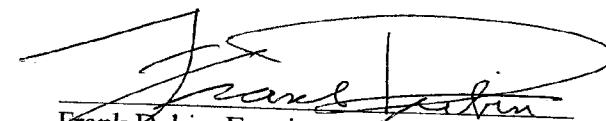
2005-248-CD

P R A E C I P E

TO THE PROTHONOTARY:

Kindly Discontinue and End, and mark settled, the above captioned action in ejectment

Premises: RR1 Box 533, Houtzdale PA 16651

  
Frank Dubin, Esquire  
Attorney for Plaintiff

FILED 1cc & 2 Cert.  
03/17/06 of Disc. to  
MAR 24 2006 Atty Kasubick  
William A. Shaw  
Prothonotary/Clerk of Courts  
(delivered by)  
(6K)

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CC-1

**Beneficial Consumer Discount Company**  
**Beneficial Mortgage Company of Pennsylvania**

Vs.

**John Doe**  
**Occupant**  
**Michael Stewart**

No. 2005-00248-CD

**CERTIFICATE OF DISCONTINUATION**

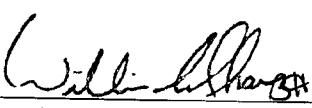
Commonwealth of PA  
County of Clearfield

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 March 24, 2006, marked:

Discontinued, Ended and Settled

Record costs in the sum of \$85.00 have been paid in full by McCabe Weisberg and Company.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 24th day of March A.D. 2006.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary