

05-1228-CD
Deutsche Bank vs Edwin L Wright

Deutsche Bank Trust Co. vs Edwin Wright
2005-1228-CD

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

FILED *UN*
MT 11:04 AM *85.00*
AUG 17 2005 *1cc*
Shff
William A. Shaw
Prothonotary/Clerk of Courts

Deutsche Bank national Trust Company As : Court of Common Pleas
Trustee on Behalf of The Certificateholders of : Civil Division
Morgan Stanley ABS Capital I Inc., Trust 2004- :
HE2, Mortgage Pass-Through Certificates Series : Clearfield County
2004-HE2 :
10790 Rancho Bernardo Road :
San Diego, CA 19127 : Term

v.

No. *05-1228-CD*

Edwin J. Wright
Or Occupants
1010 Daisy Street
Clearfield, PA 16830

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.

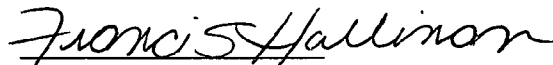
You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

LAWYER REFERRAL SERVICE
BERKS COUNTY BAR ASSOCIATION
544-546 COURT STREET
P.O. BOX 1058
READING, PA 19603
(610) 375-4591

loan: E55420148

1. Plaintiff is Deutsche Bank national Trust Company As Trustee on Behalf of The Certificateholders of Morgan Stanley ABS Capital I Inc., Trust 2004-HE2, Mortgage Pass Through Certificates Series 2004-HE2.
2. Defendant is Edwin J. Wright Or Occupants.
3. Plaintiff is equitable owner of premises located at 1010 Daisy Street, Clearfield, PA 16830, 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 August 5, 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

ALL that certain lot or piece of ground situate in the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF:

BEGINNING at a point on the Northeast corner of Daisy Street and an alley directly across the alley from the Joseph Pellerite house; thence along said alley South 27 degrees 45 minutes West 81 feet to a stake; thence North 62 degrees 15 minutes West 38 feet to line of lot of Mary Ann Lombardo Estate property; thence along the Lombardo Estate property North 27 degrees 45 minutes East 81 feet to the line of Daisy Street; thence South 62 degrees 15 minutes East 38 feet to the corner of an alley and place of beginning. On this lot is erected a garage, but if a dwelling was placed on it facing Daisy Street, it would be known as 1012 Daisy Street.

RESTRICTION-No building or part of buildings shall be erected or maintained within twenty (20) feet of the curbline of Daisy Street.

BEING the same premises which Joseph Pellerite and Jennie Pellerite, husband and wife, conveyed to Anthony J. Guy and Helen Guy, husband and wife by Deed dated the 6th day of January 1966, said Deed being recorded in the office of the Register and Recorder of Clearfield County, Pennsylvania in Deed Book 519 at Page 453.

THE SECOND THEREOF:

ALL that certain piece or parcel of land situate in the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the northerly side of Daisy Street at the Southeast corner of the lot of Antonio Mucio; thence by the Mucio property North 27 degrees 45 minutes East 81 feet to a stake; thence by land now or formerly of Harbison-Walker Refractories Company South 62 degrees 15 minutes East 38 feet to a stake at the Northwest corner of Joseph Pellerite garage lot; thence by the Pellerite lot South 27 degrees 45 minutes West 81 feet to the Northerly side of Daisy Street; thence along the Northerly side of Daisy Street North 62 degrees 15 minutes West 38 feet to the place of beginning. Being known as 1010 Daisy Street and the Lombardo Estate property.

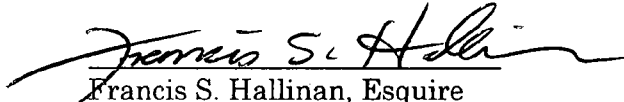
Being No. 1010 Daisy Street

VERIFICATION

Francis S. Hallinan hereby states that he is the attorney for the Plaintiff in this eviction action and is authorized to make this verification. The statements made in the foregoing Civil Action : Ejectment are correct to the best of my knowledge, information, and belief. I was the attorney for the Plaintiff or Plaintiff's predecessor in interest in the underlying foreclosure action. I am with the law firm on the writ of execution, and my law firm or an agent of my firm purchased the property on behalf of the Plaintiff by bidding on the property at the sheriff's sale. I am making this verification rather than a representative of the Plaintiff because I have personal knowledge of the purchase of this property at sheriff's sale.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

8/16/05
Date


Francis S. Hallinan, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100741
NO: 05-1228-CD
SERVICE # 1 OF 1
COMPLAINT IN EJECTMENT

PLAINTIFF: DEUTSCHE BANK national TRUST COMPANY AS TRUSTEE

vs.

DEFENDANT: EDWIN J. WRIGHT or Occupants

SHERIFF RETURN

NOW, August 26, 2005 AT 10:10 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON EDWIN J. WRIGHT or OCCUPANTS DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2nd ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RICK CARUSO, OCCUPANT (1010 DAISY ST., CLEARFIELD, PA.) A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED

OCT 21 2005

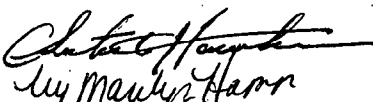
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	446323	10.00
SHERIFF HAWKINS	PHELAN	446322	20.00

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

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

**DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE
ON BEHALF OF THE CERTIFICATE HOLDERS OF MORGAN
STANLEY ABS CAPITAL I INC., TRUST 2004-HE2, MORTGAGE
PASS-THROUGH CERTIFICATES SERIES 2004-HE2**

Plaintiff

Court of Common Pleas
CLEARFILED County
No. 05-1228-~~CD~~

vs.

EDWIN J. WRIGHT OR OCCUPANTS

Defendant(s)

FILED

ICC Atty
m/1:44cm
cert copy disc
to atty a
NOV - 8 2005
Copy to C/A

William A. Shaw
Prothonotary

**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

10/31/05

Francis S. Hallinan

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

PHELAN HALLINAN & SCHMIEG, L.L.P.

Suite 1400

One Penn Center at Suburban Station

Philadelphia, PA 19103-1814

215-563-7000

Fax: 215-563-5534

*Violeta Patori
Complaint Department*

*Representing Lenders in
Pennsylvania and New Jersey*

October 20, 2005

Office of the Prothonotary
CLEARFILED County
ONE NORTH 2ND STREET
CLEARFIELD, PA 16830

Re: DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE
ON BEHALF OF THE CERTIFICATE HOLDERS OF MORGAN
STANLEY ABS CAPITAL I INC., TRUST 2004-HE2, MORTGAGE
PASS-THROUGH CERTIFICATES SERIES 2004-HE2 vs.
EDWIN J. WRIGHT OR OCCUPANTS
CCP, CLEARFILED County, No. 05-1228-CD

Dear Sir/Madam:

Enclosed please find Plaintiff's Praeipce to Withdraw Complaint, Without Prejudice,
and Discontinue and End with respect to the above matter. Also enclosed is a check
for the filing fee, if applicable.

Please file the original of record and return a time-stamped copy to me in the envelope
enclosed.

Thank you for your attention to this matter.

Very truly yours,



Violeta Patori
for Phelan Hallinan & Schmieg

Enclosures

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

CIVIL DIVISION

COPY

Deutsche Bank National Trust Company

Vs.

No. 2005-01228-CD

**Edwin J. Wright
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 November 8, 2005, marked:

Complaint withdrawn without prejudice, and 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 8th day of November A.D. 2005.

William A. Shaw, Prothonotary