

05-1418-CD
JP Morgan vs Timothy Ruttinger al

JP Morgan Chase Bank vs Timothy Ruttinger
2005-1418-CD

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

JPMORGAN CHASE BANK, AS TRUSTEE-SURF 2003-BC4
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226

Plaintiff

v.

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-1418-CD

CLEARFIELD COUNTY

TIMOTHY R.C RUTTINGER
SUSAN M. BOSAK
587 TREASURE LAKE,
A/K/A SECTION 15, LOT # 442 – 443
DU BOIS, PA 15801-9012

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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, 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 ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

Any pd
85.00
m) 11:24 AM
2005 SEP 14 2005
FILED

IF THIS IS THE FIRST NOTICE THAT YOU HAVE RECEIVED FROM THIS OFFICE, BE ADVISED THAT:

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977), DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S) DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE DEFENDANT(S) WITH WRITTEN VERIFICATION THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. LIKEWISE, IF REQUESTED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S) THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM ABOVE.

THE LAW DOES NOT REQUIRE US TO WAIT UNTIL THE END OF THE THIRTY (30) DAY PERIOD FOLLOWING FIRST CONTACT WITH YOU BEFORE SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH THE LAW PROVIDES THAT YOUR ANSWER TO THIS COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

JPMORGAN CHASE BANK, AS TRUSTEE-SURF 2003-BC4
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226

2. The name(s) and last known address(es) of the Defendant(s) are:

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
587 TREASURE LAKE,
A/K/A SECTION 15, LOT # 442 – 443
DU BOIS, PA 15801-9012

who is/are the mortgagor(s) and real owner(s) of the property hereinafter described.

3. On 08/20/2003 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE, A DIVISION OF AIG FEDERAL SAVINGS BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200316353. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2004 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

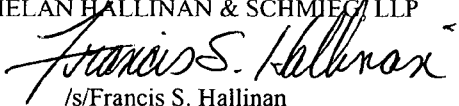
6. The following amounts are due on the mortgage:

Principal Balance	\$90,925.62
Interest	3,622.76
04/01/2005 through 09/11/2005 (Per Diem \$22.09)	
Attorney's Fees	1,250.00
Cumulative Late Charges	144.76
08/20/2003 to 09/11/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 96,493.14
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 96,493.14

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 96,493.14, together with interest from 09/11/2005 at the rate of \$22.09 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG LLP

By: 
/s/Francis S. Hallinan
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL those certain tracts of land designated as Lots Nos. 442 and 443, Section No. 15, 'Bimini', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

BEING the same premises (Lot No. 442) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 121, as the property of Donna Cartwright, et al.; and by quitclaim deed of Donna Cartwright, et al., dated February 23, 1998, and recorded in Deeds and Records Book No. 1921, page 197; and the same premises (Lot No. 443) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 124, as the property of Robert Kohm, et ux.. Said lot was also the subject of an Action to Quiet Title filed to No. 98-168-CD, on which a final Order dated March 10, 1998, was recorded in Deeds and Records Book No. 1921, page 178.

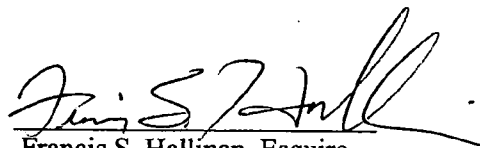
PROPERTY BEING: 587 TREASURE LAKE, A/K/A SECTION 15, LOT # 442 – 443

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for 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 make this verification pursuant to Pa. R. C. P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its 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 falsifications to authorities.


Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 9/11/05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100815
NO: 05-1418-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: JPMORGAN CHASE BANK
vs.
DEFENDANT: TIMOTHY R. RUTTINGER and SUSAN M. BOSAK

SHERIFF RETURN

NOW, October 04, 2005 AT 2:30 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TIMOTHY R. RUTTINGER DEFENDANT AT 587 TREASURE LAKE a/k/a SEC 15 LOT442-4443, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TIMOTHY RUTTINGER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

FILED

010:45/31
JAN 27 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100815
NO: 05-1418-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: JPMORGAN CHASE BANK
vs.
DEFENDANT: TIMOTHY R. RUTTINGER and SUSAN M. BOSAK

SHERIFF RETURN

NOW, October 04, 2005 AT 2:30 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SUSAN M. BOSAK DEFENDANT AT 587 TREASURE LAKE a/k/a SEC 15 LOT 442-443, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TIMOTHY RUTTINGER, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100815
NO: 05-1418-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: JPMORGAN CHASE BANK
vs.
DEFENDANT: TIMOTHY R. RUTTINGER and SUSAN M. BOSAK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	451498	20.00
SHERIFF HAWKINS	PHELAN	451498	42.43

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

PHELAN HALLINAN & SCHMIEG, LLP
BY: FRANCIS S. HALLINAN, ESQUIRE
Identification No. 62695
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

JP Morgan Chase Bank, as trustee-surf 2003-BC4 : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Timothy R. Ruttinger
Susan M. Bosak, et al.
Defendant(s) : No. 05-1418-CD

PRAECIPE

TO THE PROTHONOTARY:

X Please mark the above referenced case Discontinued and Ended without prejudice.

_____ Please mark the above referenced case Settled, Discontinued and Ended.

_____ Please mark Judgments satisfied and the Action settled, discontinued and ended.

_____ Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

_____ Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date: 1/24/07

Francis S. Hallinan
Francis S. Hallinan, Esquire
Attorney for Plaintiff

PHS # 122607

FILED *cert of disc issued to Atty Hallinan*
M/2:30 am
JAN 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

JP Morgan Chase Bank

Vs.

No. 2005-01418-CD

Timothy R. Ruttinger

Susan M. Bosak

CERTIFICATE OF DISCONTINUATION

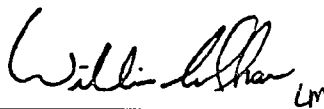
Commonwealth of PA
County of Clearfield

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 January 26, 2007, marked:

Discontinued and ended without prejudice.

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of January A.D. 2007.



William A. Shaw, Prothonotary