

05-1567-CD  
Beneficial Con vs Scott L. Grove

Beneficial Consumer Dis. vs Scott Grove et al  
2005-1567-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**

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania	Clearfield County Court of Common Pleas
vs. Scott L. Grove and Mary L. Grove	Number: 05-1567-CD

**COMPLAINT IN EJECTMENT**

**NOTICE**

**AVISO**

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.

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

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. Ademias, 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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**FILED** 2CC Shff  
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OCT 10 2005  
Any pd - \$5.00  
William A. Shaw  
Prothonotary/Clerk of Courts

**McCABE, WEISBERG AND CONWAY, P.C.**

**BY: TERRENCE J. McCABE, ESQUIRE**

**Attorney for Plaintiff**

**Identification Number 16496**

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**Philadelphia, Pennsylvania 19109**

**(215) 790-1010**

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania 961 Weigel Drive, P.O. Box 8621 Elmhurst, IL 60126 vs. Scott L. Grove and Mary L. Grove 4648 McCartney Road, Irvona, PA 16656	Clearfield County Court of Common Pleas  Number
--	--

**COMPLAINT IN EJECTMENT**

1. Plaintiff is the owner of the premises known as 4648 McCartney Road, Irvona, PA 16656, 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 September 2, 2005, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 04-1652-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Scott L. Grove and Mary L. Grove.

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.

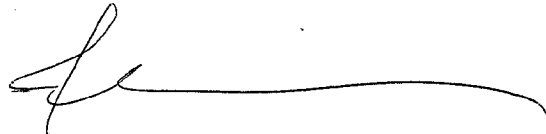
6. By reason of the aforesaid Sheriff's sale, Plaintiff holds paramount title to the premises but Defendants continue to unlawfully and willfully retain possession and keep Plaintiff out of

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, as no landlord tenant relationship exists between Plaintiff and Defendant, either written or oral, express or implied, nor was any such relationship created as a result of the foreclosure by Plaintiff, Defendant is not entitled to any notice to quit or vacate the property.

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.

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

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.

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TERRENCE J. MCCABE, ESQUIRE  
Attorney for Plaintiff

**Premises:** 4648 McCartney Road, Irvona, PA 16656  
Irvona, Clearfield County, Pennsylvania

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in Jordan Township, Clearfield County, Pennsylvania, bound and described as follows:

BEGINNING at an iron pin, said iron pin being located in the Northern right-of-way line of Pennsylvania Legislative Route No. 17024 and said iron pin being located in the Eastern property line of land formerly owned by John Johnston; thence along the Northern right-of-way line of Route No. 17024 North seventy-nine (79) degrees thirty (30) minutes East one Hundred fifty (150) feet to an iron pin; thence along remaining lands formerly of Cameron R. Johnston and Grace M. Johnston North forty (40) degrees forty-two (42) minutes West One Hundred eighty-two (182) feet to an iron pin; thence continuing along formerly Cameron R. Johnston and Grace M. Johnston land South seventy-nine (79) degrees thirty (30) minutes West One Hundred fifty (150) feet to an iron pin, said iron pin being located in the Eastern property line of land formerly owned by John Johnston thence along line of land formerly owned by John Johnston South forty (40) degrees forty-two (42) minutes East One Hundred eighty-two (182) feet to the iron pin and place of beginning.

CONTAINING 0.5417 Acres. Said Lot fronting One Hundred fifty (150) feet on Route No. 17024 and extending in depth in parallel lines One Hundred eighty-two (182) feet.

Tax Parcel No. 120-H14-40.

**Being Parcel No. 120-H14-40**

**EXHIBIT "A"**

11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847

For the purpose of this study, the following hypotheses were formulated:

**FILED**  
**OCT 10 2005**  
William A. Shaw  
Prothonotary/Clerk of Courts

EX-100

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

Service # 1 of 2 Services

Sheriff Docket # **100891**

**BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL  
MORTGAGE**

Case # **05-1567-CD**

vs.

**SCOTT L. GROVE and MARY L. GROVE**

TYPE OF SERVICE COMPLAINT IN EJECTMENT

**SHERIFF RETURNS**

NOW December 12, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN EJECTMENT "NOT FOUND" AS TO SCOTT L. GROVE, DEFENDANT. 4648 MCCARTNEY ROAD, IRVONA, PA. "EMPTY".

SERVED BY: /

**FILED**  
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DEC 12 2005 (5)

**William A. Shaw**  
Prothonotary



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

Service # 2 of 2 Services

Sheriff Docket # **100891**

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SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100891  
NO: 05-1567-CD  
SERVICES 2  
COMPLAINT IN EJECTMENT

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE  
vs.  
DEFENDANT: SCOTT L. GROVE and MARY L. GROVE

SHERIFF RETURN

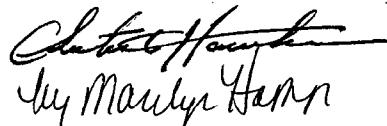
RETURN COSTS

| Description     | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE       | MCCABE  | 68088   | 20.00  |
| SHERIFF HAWKINS | MCCABE  | 68088   | 45.19  |

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

**McCABE, WEISBERG AND CONWAY, P.C.**

**BY: TERRENCE J. McCABE, ESQUIRE**

**Attorney for Plaintiff**

**Identification Number 16496**

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

vs.

Scott L. Grove and Mary L. Grove

Clearfield County  
Court of Common Pleas

Number: 05-1567-CD

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I hereby certify this to be a true  
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Attest.

*William L. Shaw*  
Prothonotary/  
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**Attorney for Plaintiff**

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|--|--|
| Beneficial Consumer Discount Company d/b/a<br>Beneficial Mortgage Company of Pennsylvania<br>961 Weigel Drive, P.O. Box 8621<br>Elmhurst, IL 60126<br>vs.<br>Scott L. Grove and Mary L. Grove<br>4648 McCartney Road, Irvona, PA 16656 | Clearfield County<br>Court of Common Pleas<br><br>Number |
|--|--|

**COMPLAINT IN EJECTMENT**

1. Plaintiff is the owner of the premises known as 4648 McCartney Road, Irvona, PA 16656, 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 September 2, 2005, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 04-1652-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Scott L. Grove and Mary L. Grove.

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, as no landlord tenant relationship exists between Plaintiff and Defendant, either written or oral, express or implied, nor was any such relationship created as a result of the foreclosure by Plaintiff, Defendant is not entitled to any notice to quit or vacate the property.

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.

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Attorney for Plaintiff

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TERRENCE J. MCCABE, ESQUIRE  
Attorney for Plaintiff

**Premises:** 4648 McCartney Road, Irvona, PA 16656  
Irvona, Clearfield County, Pennsylvania

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in Jordan Township, Clearfield County, Pennsylvania, bound and described as follows:

BEGINNING at an iron pin, said iron pin being located in the Northern right-of-way line of Pennsylvania Legislative Route No. 17024 and said iron pin being located in the Eastern property line of land formerly owned by John Johnston; thence along the Northern right-of-way line of Route No. 17024 North seventy-nine (79) degrees thirty (30) minutes East one Hundred fifty (150) feet to an iron pin; thence along remaining lands formerly of Cameron R. Johnston and Grace M. Johnston North forty (40) degrees forty-two (42) minutes West One Hundred eighty-two (182) feet to an iron pin; thence continuing along formerly Cameron R. Johnston and Grace M. Johnston land South seventy-nine (79) degrees thirty (30) minutes West One Hundred fifty (150) feet to an iron pin, said iron pin being located in the Eastern property line of land formerly owned by John Johnston thence along line of land formerly owned by John Johnston South forty (40) degrees forty-two (42) minutes East One Hundred eighty-two (182) feet to the iron pin and place of beginning.

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Tax Parcel No. 120-H14-40.

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**EXHIBIT "A"**

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**Attorney for Plaintiff**

**Identification Number 16496**

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**OCT 10 2005**

Attest.

*William L. Billotte*  
Prothonotary/  
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**COMPLAINT IN EJECTMENT**

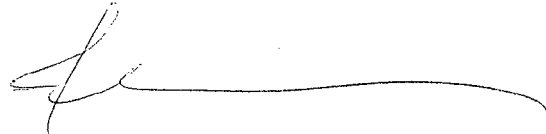
1. Plaintiff is the owner of the premises known as 4648 McCartney Road, Irvona, PA 16656, the full legal description of which is attached hereto, made a part hereof, and marked as Exhibit "A."
2. Plaintiff acquired title by reason of a Sheriff's Sale conducted by the Sheriff of Clearfield County on September 2, 2005, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 04-1652-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Scott L. Grove and Mary L. Grove.
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, as no landlord tenant relationship exists between Plaintiff and Defendant, either written or oral, express or implied, nor was any such relationship created as a result of the foreclosure by Plaintiff, Defendant is not entitled to any notice to quit or vacate the property.

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.

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

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 over a horizontal line.

TERRENCE J. MCCABE, ESQUIRE  
Attorney for Plaintiff

**Premises:** 4648 McCartney Road, Irvona, PA 16656  
Irvona, Clearfield County, Pennsylvania

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in Jordan Township, Clearfield County, Pennsylvania, bound and described as follows:

BEGINNING at an iron pin, said iron pin being located in the Northern right-of-way line of Pennsylvania Legislative Route No. 17024 and said iron pin being located in the Eastern property line of land formerly owned by John Johnston; thence along the Northern right-of-way line of Route No. 17024 North seventy-nine (79) degrees thirty (30) minutes East one Hundred fifty (150) feet to an iron pin; thence along remaining lands formerly of Cameron R. Johnston and Grace M. Johnston North forty (40) degrees forty-two (42) minutes West One Hundred eighty-two (182) feet to an iron pin; thence continuing along formerly Cameron R. Johnston and Grace M. Johnston land South seventy-nine (79) degrees thirty (30) minutes West One Hundred fifty (150) feet to an iron pin, said iron pin being located in the Eastern property line of land formerly owned by John Johnston thence along line of land formerly owned by John Johnston South forty (40) degrees forty-two (42) minutes East One Hundred eighty-two (182) feet to the iron pin and place of beginning.

CONTAINING 0.5417 Acres. Said Lot fronting One Hundred fifty (150) feet on Route No. 17024 and extending in depth in parallel lines One Hundred eighty-two (182) feet.

Tax Parcel No. 120-H14-40.

Being Parcel No. 120-H14-40

**EXHIBIT "A"**