

05-1774-CD
Deutsche Bank vs Leanne Ragan et

05-1774-CD
Deutsche Bank al vs Leanne Ragan al

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

DEUTSCHE BANK TRUST COMPANY, F/K/A
BANKERS TRUST COMPANY, AS TRUSTEE
FOR RESIDENTIAL FUNDING CORPORATION
132 WELSH ROAD
SUITE 100
HORSHAM, PA 19044

Plaintiff

v.

LEANNE R. RAGAN
THOMAS E. RAGAN
MARKET AND OAK STREET
KARTHAUS, PA 16845

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

TERM

NO. 05-1774-CI

CLEARFIELD COUNTY

FILED No cc
acc 544
m/12/28 cm ① pd \$85.00 AMY
NOV 14 2005

William A. Shaw
Prothonotary

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

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

DEUTSCHE BANK TRUST COMPANY, F/K/A
BANKERS TRUST COMPANY, AS TRUSTEE
FOR RESIDENTIAL FUNDING CORPORATION
132 WELSH ROAD
SUITE 100
HORSHAM, PA 19044

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

LEANNE R. RAGAN
THOMAS E. RAGAN
MARKET AND OAK STREET
KARTHAUS, PA 16845

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

3. On 10/24/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE LENDERS NETWORK USA, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200117492. 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 08/01/2005 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	\$40,013.18
Interest	1,637.48
07/01/2005 through 11/11/2005	
(Per Diem \$12.22)	
Attorney's Fees	1,250.00
Cumulative Late Charges	25.34
10/29/2001 to 11/11/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 43,476.00
Escrow	
Credit	0.00
Deficit	69.68
Subtotal	<u>\$ 69.68</u>
TOTAL	\$ 43,545.68

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.

WHEREFORE, PLAINTIFF demands an *in rem* Judgment against the Defendant(s) in the sum of \$ 43,545.68, together with interest from 11/11/2005 at the rate of \$12.22 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: _____

Francis S. Hallinan
/s/

LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain messuage, tenement and tract of land situate in the Village of Karthaus, Township of Karthaus, County of Clearfield, State of Pennsylvania, more fully bounded and described as follows, to-wit:

BEGINNING at the southwest corner of Lot No. 83 now or formerly of Raymond Meeker; thence South 80 degrees 55 minutes West, along Market Street, 50 feet to the corner of Oak Street; thence West along Oak Street, 180 feet to an alley; thence easterly along the said alley, 50 feet to the corner of Lot No. 83; thence southerly with the line of Lot No. 83, 180 feet to Market Street and the place of beginning.

BEING designated as Lot No. 84 in Block 'O' on the plan of the Village of Karthaus.

UNDER AND SUBJECT to existing easements, conditions, covenants and restrictions of record.

PARCEL IDENTIFICATION NUMBER 121-T04-608-21.

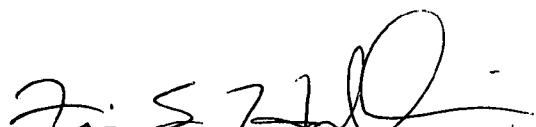
BEING the same premises which Larry A. Brown and Kathy J. Brown, husband and wife, by Deed dated October 18, 1996 in Clearfield County in Deed Book Volume 1796 at Page 461, granted and conveyed unto Thomas E. Ragan and Leanne R. Ragan, husband and wife.

PROPERTY BEING: MARKET AND OAK STREETS

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: 11/11/05

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
FAX: 215-563-5534
Email: complaints@fedphe.com

*Representing Lenders in
Pennsylvania and New Jersey*

November 11, 2005

Office of the Prothonotary
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Re: DEUTSCHE BANK TRUST COMPANY, ... vs. LEANNE R. RAGAN

ACTION IN MORTGAGE FORECLOSURE

Dear Sir/Madam:

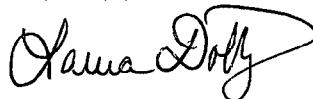
Enclosed are an original and 2 copies of a Civil Action in Mortgage Foreclosure relative to the above captioned matter for filing with your office. A check for filing has been attached in the amount of \$85.00. The sheriff's office advised our office on 11/11/05 that sheriff's costs total \$100.00 for this file. If there is a concern regarding the costs, please contact Laura Dolly at PH&S; please do not return the complaint to our office.

Please file the complaint and return your receipt to us in the enclosed stamped, self-addressed envelope, together with a time-stamped copy of the first page of the Complaint.

I would also appreciate your taking the additional copies of the Complaint, the check for service, and the enclosed service sheet(s) to the Office of the Sheriff for service on the defendant(s).

Thank you for your cooperation.

Very truly yours,



PHELAN HALLINAN & SCHMIEG, LLP
COMPLAINT DEPARTMENT

File #: 125745

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101001
NO: 05-1774-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK TRUST COMPANY

vs.

DEFENDANT: LEANNE R. RAGAN and THOMAS E. RAGAN

SHERIFF RETURN

NOW, November 28, 2005 AT 11:06 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LEANNE R. RAGAN DEFENDANT AT 1039 MARKET ST., KARTHAUS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LEANNE R. RAGAN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

FILED
01/09/2006
MAR 01 2006

LM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101001
NO: 05-1774-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK TRUST COMPANY

VS.

DEFENDANT: LEANNE R. RAGAN and THOMAS E. RAGAN

SHERIFF RETURN

NOW, November 28, 2005 AT 11:06 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON THOMAS E. RAGAN DEFENDANT AT 1039 MARKET ST., KARTHAUS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LEANN R. RAGAN, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101001
NO: 05-1774-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK TRUST COMPANY
vs.
DEFENDANT: LEANNE R. RAGAN and THOMAS E. RAGAN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	463567	20.00
SHERIFF HAWKINS	PHELAN	463595	46.31

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

Deutsche Bank Trust Company, f/k/a
Bankers Trust Company, as trustee for
Residential Funding Corporation

ATTORNEY FOR PLAINTIFF

: Court of Common Pleas

Plaintiff : Civil Division

vs. : Clearfield County

Leanne R. Ragan
Thomas E. Ragan

Defendant(s) : No. 05-1774-CD

PRAECLYPE

TO THE PROTHONOTARY:

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: 3/7/07


Francis S. Hallinan, Esquire
Attorney for Plaintiff

PHS # 125745

FILED cc & 1 Cert
m/3:55 pm of disc
MAR 12 2007 issued to
Atty Hallinan
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Deutsche Bank Trust Company
Deutsche Bank Trust Company Americas
Residential Funding Corporation**

Vs.

**Leanne R. Ragan
Thomas E. Ragan**

No. 2005-01774-CD

COPY

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 12, 2007, marked:

Discontinued and ended without prejudice

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 12th day of March A.D. 2007.



William A. Shaw, Prothonotary