

**Beneficial Consumer vs Janet Noker
2006-76-CD**

**06-76-CD
Beneficial Cons. Disc. Co. vs Jane Noker**

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

123 South Broad Street, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Jane Noker and Occupant(s)	Clearfield County Court of Common Pleas Number: 06-76-CD
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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.

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.

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.

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.

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

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FILED Att'y pd. 85.00
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JAN 16 2006 2cc shff

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

123 South Broad Street, Suite 2080

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. Jane Noker and Occupant(s) 311 Hubert Street, Dubois, PA 15801	Clearfield County Court of Common Pleas Number
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COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 311 Hubert Street, Dubois, PA 15801, the full legal description of which is attached hereto, made a part hereof, and marked as Exhibit "A". (Deed in Lieu of Foreclosure).

2. Plaintiff acquired title by reason of a Deed in Lieu of Foreclosure executed by Jane Noker and Occupant(s), and dated the 30th day of December, 2005 transferring ownership to Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania.

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.

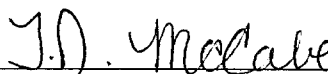
5. Defendants have no rights of possession to said premises.

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.

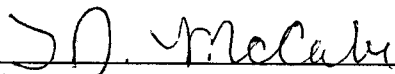
9. Notwithstanding the aforesaid, Defendants have willfully remained in possession of Plaintiff's property and refuse, and still refuse to vacate the premises and continue to occupy the same. WHEREFORE, Plaintiff demands a judgment be entered in its favor for possession of the property.



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

SCHEDULE "A"

90-01389461

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF GROUND SITUATE IN THE FIFTH WARD OF THE CITY OF DUBOIS, COUNTY OF CLEARFIELD, AND STATE OF PENNSYLVANIA, BEING BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEING THE ONE-THIRD PART OF LOT NO. 206 IN JOHN RUMBARGER'S PLAT OF THE BOROUGH OF DUBOIS, AND BEGINNING AT THE CORNER OF SAID LOT AT THE INTERSECTION OF HUBERT STREET AND MARSHALL ALLEY; THENCE SOUTH 62 1/2 DEG. EAST ALONG LINE OF MARSHALL ALLEY 60 FEET TO A POST AT THE CORNER OF MARSHALL ALLEY AND LOT NO. 205; THENCE BY LINE OF LOT NO. 205, NORTH 27 1/2 DEG. EAST 60 FEET; THENCE NORTH 62 1/2 DEG. WEST ALONG A LINE PARALLEL WITH MARSHALL ALLEY AND AT ALL POINTS EQUIDISTANT THEREFROM 60 FEET TO HUBERT STREET; THENCE BY HUBERT STREET SOUTH 27 1/2 DEG. WEST 60 FEET TO MARSHALL ALLEY, THE PLACE OF BEGINNING.

EXCEPTING AND RESERVING THE COAL UNDERLYING SAID LOT AS CONTAINED IN RESERVATIONS IN DEED OF JOSEPH SMITH, ET AL., TO FORMER GRANTOR.

BEING THE SAME PROPERTY CONVEYED TO CONRAD J. NOKER, JR., AND JANET E. NOKER, HUSBAND AND WIFE, TENANTS BY THE ENTIRETY BY DEED FROM CONRAD J. NOKER, JR., AND JANET E. NOKER, HIS WIFE RECORDED 07/25/2001 IN INSTRUMENT NUMBER 200111527, IN THE OFFICE OF THE RECORDER OF DEEDS OF CLEARFIELD COUNTY, PENNSYLVANIA.

TAX ID# 7-5-9-2413-B

EXHIBIT "A"

EXHIBIT "A"

FILE COPY

DEED IN LIEU OF FORECLOSURE

THIS DEED, made this 30th day of Dec., 2005,

Between JANET E. NOKER, WIDOW, (hereinafter called the "Grantor"), of the one part, and
**BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE
COMPANY OF PENNSYLVANIA**, (hereinafter called the "Grantee"), of the other part.

WITNESSETH, That in consideration of One (\$1.00) Dollars, in hand paid, the receipt whereof
is hereby acknowledged, the said Grantors does hereby grant and convey unto the said Grantee,
their successors and assigns,

ALL THAT CERTAIN lot, piece or parcel of ground situate in the Fifth Ward of the City of Du
Bois, County of Clearfield, and State of Pennsylvania, being bounded and described as follows,
to wit:

BEING the one-third part of Lot No. 206 in John Rumbarger's Plat of the Borough of Du Bois,
and beginning at the corner of said Lot at the intersection of Hubert Street and Marshall Alley;
thence South 62 ½ deg. East along line of Marshall Alley 60 feet to a post at the corner of
Marshall alley and Lot No. 205; thence by line of Lot No. 205, North 27 ½ deg. East 60 feet;
thence North 62 ½ deg. West along a line parallel with Marshall Alley and at all points
equidistant therefrom 60 feet to Hubert Street; thence by Hubert Street South 27 ½ deg. West 60
feet to Marshall Alley, the place of beginning.

Excepting and reserving the coal underlying said lot as contained in reservations in deed of
Joseph smith, et al., to former grantor.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE
TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND
DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH

COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THE CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THE NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

BEING known as 311 Hubert Street, Du Bois, Pennsylvania.

BEING ASSESSMENT PIN NUMBER: 7-5-9-2413-B.

BEING the same premises which, Conrad J. Noker, Jr., and Janet E. Noker, his wife, by Deed dated 3/23/01, and recorded 7/25/01, in the Office of the Recorder in and for Clearfield County in Instrument 200111527, granted and conveyed unto Conrad J. Noker, Jr., and Janet E. Noker, husband and wife, tenants by the entirety, in fee, and the said Conrad J. Noker, Jr. departed this life on the 17th day of April, 2001.

TOGETHER, with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, water, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any ways appertaining, the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title interest, property, claim and demand whatsoever of her, the said Grantors, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their successors and assigns, to and for the only proper use and behoof of the said Grantee, their successors and assigns forever.

AND the said Grantors do hereby covenant to and with the said Grantee that the said Grantors SHALL and WILL Warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee, their successor and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or a part thereof, by, from or under them or any of them.

Nothing herein shall be construed to extinguish the existing mortgage or mortgages between grantor and grantee.

IN WITNESS HEREOF, the said Grantors has caused these presents to be duly executed, the day and year first above written.

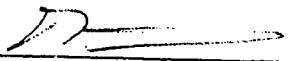
SEALED AND DELIVERED

In the Presence of:

Janet E. Noker (SEAL)
JANET E. NOKER

STATE OF Indiana
County of Allen

On this 30th day of Dec, 2005, before me, the undersigned officer, personally appeared **JANET E. NOKER**, known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument and acknowledged that he/she executed same for the purposes therein contained.



NOTARY PUBLIC

Roger W. Sterns

Resident of Allen County

Commission Expires 7/1/08

DEED FROM: JANET E. NOKER, WIDOW
TO: BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A
BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

PREMISES: 311 HUBERT STREET, DU BOIS, PENNSYLVANIA
CLEARFIELD County

*I HEREBY CERTIFY that the precise
ADDRESS OF GRANTEE: 931 Corporate Center Drive
Pomona, CA 91769-2642

X 

MARC S. WEISBERG, ESQUIRE
123 SOUTH BROAD STREET
SUITE 2080
PHILADELPHIA, PA 19109

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **101170**

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

Case # **06-76-CD**

vs.

JANE NOKER and OCCUPANT

TYPE OF SERVICE COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW March 19, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN
EJECTMENT "NOT FOUND" AS TO JANE NOKER, DEFENDANT. 311 HUBERT ST., DUBOIS, "EMPTY".

SERVED BY: /

01912307
MAR 20 2006
A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket # **101170**

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

Case # **06-76-CD**

vs.

JANE NOKER and OCCUPANT

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SHERIFF RETURNS

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SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101170
NO: 06-76-CD
SERVICES 2
COMPLAINT IN EJECTMENT

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE COMPANY
vs.

DEFENDANT: JANE NOKER and OCCUPANT

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MCCABE	72679	20.00
SHERIFF HAWKINS	MCCABE	72679	35.91

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

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 vs. Jane Noker and Occupant(s)	Clearfield County Court of Common Pleas Number: 06-76-CD
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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.

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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.

JAN 16 2006

Attest.

William L. 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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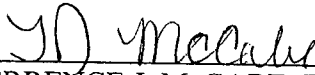
COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 311 Hubert Street, Dubois, PA 15801, the full legal description of which is attached hereto, made a part hereof, and marked as Exhibit "A". (Deed in Lieu of Foreclosure).
2. Plaintiff acquired title by reason of a Deed in Lieu of Foreclosure executed by Jane Noker and Occupant(s), and dated the 30th day of December, 2005 transferring ownership to Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania.
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.



TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

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TERRENCE J. MCCABE, ESQUIRE
Attorney for Plaintiff

SCHEDULE "A"

90-01389461

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TAX ID# 7-5-9-2413-E

EXHIBIT "A"

FILE COPY

DEED IN LIEU OF FORECLOSURE

THIS DEED, made this 30th day of Dec., 2005,

Between JANET E. NOKER, WIDOW, (hereinafter called the "Grantor"), of the one part, and
**BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE
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WITNESSETH, That in consideration of One (\$1.00) Dollars, in hand paid, the receipt whereof
is hereby acknowledged, the said Grantors does hereby grant and convey unto the said Grantee,
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thence South 62 ½ deg. East along line of Marshall Alley 60 feet to a post at the corner of
Marshall alley and Lot No. 205; thence by line of Lot No. 205, North 27 ½ deg. East 60 feet;
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equidistant therefrom 60 feet to Hubert Street; thence by Hubert Street South 27 ½ deg. West 60
feet to Marshall Alley, the place of beginning.

Excepting and reserving the coal underlying said lot as contained in reservations in deed of
Joseph smith, et al., to former grantor.

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TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND
DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH

COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THE CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THE NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

BEING known as 311 Hubert Street, Du Bois, Pennsylvania.

BEING ASSESSMENT PIN NUMBER: 7-5-9-2413-B.

BEING the same premises which, Conrad J. Noker, Jr., and Janet E. Noker, his wife, by Deed dated 3/23/01, and recorded 7/25/01, in the Office of the Recorder in and for Clearfield County in Instrument 200111527, granted and conveyed unto Conrad J. Noker, Jr., and Janet E. Noker, husband and wife, tenants by the entirety, in fee, and the said Conrad J. Noker, Jr. departed this life on the 17th day of April, 2001.

TOGETHER, with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, water, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any ways appertaining, the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title interest, property, claim and demand whatsoever of her, the said Grantors, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their successors and assigns, to and for the only proper use and behoof of the said Grantee, their successors and assigns forever.

AND the said Grantors do hereby covenant to and with the said Grantee that the said Grantors SHALL and WILL Warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee, their successor and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or a part thereof, by, from or under them or any of them.

Nothing herein shall be construed to extinguish the existing mortgage or mortgages between grantor and grantee.

IN WITNESS HEREOF, the said Grantors has caused these presents to be duly executed, the day and year first above written

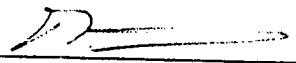
SEALED AND DELIVERED

In the Presence of:

Janet E. Noker (SEAL)
JANET E. NOKER

STATE OF *Indiana*
County of *Allen*

On this *30th* day of *Dec*, 2005, before me, the undersigned officer, personally appeared **JANET E. NOKER**, known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument and acknowledged that he/she executed same for the purposes therein contained.



NOTARY PUBLIC

Roger W. Starnes

Resident of Allen County

Commission Expires 7/1/08

DEED FROM: JANET E. NOKER, WIDOW
TO: BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A
BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

PREMISES: 311 HUBERT STREET, DU BOIS, PENNSYLVANIA
CLEARFIELD County

*I HEREBY CERTIFY that the precise
ADDRESS OF GRANTEE: 931 Corporate Center Drive
Pomona, CA 91769-2642

X 

MARC S. WEISBERG, ESQUIRE
123 SOUTH BROAD STREET
SUITE 2080
PHILADELPHIA, PA 19109

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

vs.

Jane Noker and Occupant(s)

Clearfield County
Court of Common Pleas

Number: *06-76-CD*

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 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.

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.

JAN 16 2006

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

123 South Broad Street, Suite 2080

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. Jane Noker and Occupant(s) 311 Hubert Street, Dubois, PA 15801	Clearfield County Court of Common Pleas Number
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COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 311 Hubert Street, Dubois, PA 15801, the full legal description of which is attached hereto, made a part hereof, and marked as Exhibit "A". (Deed in Lieu of Foreclosure).

2. Plaintiff acquired title by reason of a Deed in Lieu of Foreclosure executed by Jane Noker and Occupant(s), and dated the 30th day of December, 2005 transferring ownership to Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania.

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.

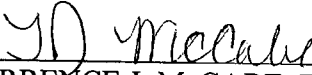
5. Defendants have no rights of possession to said premises.

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.

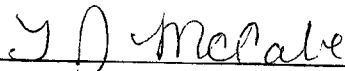
9. Notwithstanding the aforesaid, Defendants have willfully remained in possession of Plaintiff's property and refuse, and still refuse to vacate the premises and continue to occupy the same. WHEREFORE, Plaintiff demands a judgment be entered in its favor for possession of the property.



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

SCHEDULE "A"

90-01389461

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF GROUND SITUATE IN THE FIFTH WARD OF THE CITY OF DUBOIS, COUNTY OF CLEARFIELD, AND STATE OF PENNSYLVANIA, BEING BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEING THE ONE-THIRD PART OF LOT NO. 206 IN JOHN RUMBARGER'S PLAT OF THE BOROUGH OF DUBOIS, AND BEGINNING AT THE CORNER OF SAID LOT AT THE INTERSECTION OF HUBERT STREET AND MARSHALL ALLEY; THENCE SOUTH 62 1/2 DEG. EAST ALONG LINE OF MARSHALL ALLEY 60 FEET TO A POST AT THE CORNER OF MARSHALL ALLEY AND LOT NO. 205; THENCE BY LINE OF LOT NO. 205, NORTH 27 1/2 DEG. EAST 60 FEET; THENCE NORTH 62 1/2 DEG. WEST ALONG A LINE PARALLEL WITH MARSHALL ALLEY AND AT ALL POINTS EQUIDISTANT THEREFROM 60 FEET TO HUBERT STREET; THENCE BY HUBERT STREET SOUTH 27 1/2 DEG. WEST 60 FEET TO MARSEALL ALLEY, THE PLACE OF BEGINNING.

EXCEPTING AND RESERVING THE COAL UNDERLYING SAID LOT AS CONTAINED IN RESERVATIONS IN DEED OF JOSEPH SMITH, ET AL., TO FORMER GRANTOR.

BEING THE SAME PROPERTY CONVEYED TO CONRAD J. NOKER, JR., AND JANET E. NOKER, HUSBAND AND WIFE, TENANTS BY THE ENTIRETY BY DEED FROM CONRAD J. NOKER, JR., AND JANET E. NOKER, HIS WIFE RECORDED 07/25/2001 IN INSTRUMENT NUMBER 200111527, IN THE OFFICE OF THE RECORDER OF DEEDS OF CLEARFIELD COUNTY, PENNSYLVANIA.

TAX ID# 7-5-9-2413-B

EXHIBIT "A"

FILE COPY

DEED IN LIEU OF FORECLOSURE

THIS DEED, made this 30th day of Dec., 2005,

Between JANET E. NOKER, WIDOW, (hereinafter called the "Grantor"), of the one part, and
**BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE
COMPANY OF PENNSYLVANIA**, (hereinafter called the "Grantee"), of the other part.

WITNESSETH, That in consideration of One (\$1.00) Dollars, in hand paid, the receipt whereof
is hereby acknowledged, the said Grantors does hereby grant and convey unto the said Grantee,
their successors and assigns,

ALL THAT CERTAIN lot, piece or parcel of ground situate in the Fifth Ward of the City of Du
Bois, County of Clearfield, and State of Pennsylvania, being bounded and described as follows,
to wit:

BEING the one-third part of Lot No. 206 in John Rumbarger's Plat of the Borough of Du Bois,
and beginning at the corner of said Lot at the intersection of Hubert Street and Marshall Alley;
thence South 62 ½ deg. East along line of Marshall Alley 60 feet to a post at the corner of
Marshall alley and Lot No. 205; thence by line of Lot No. 205, North 27 ½ deg. East 60 feet;
thence North 62 ½ deg. West along a line parallel with Marshall Alley and at all points
equidistant therefrom 60 feet to Hubert Street; thence by Hubert Street South 27 ½ deg. West 60
feet to Marshall Alley, the place of beginning.

Excepting and reserving the coal underlying said lot as contained in reservations in deed of
Joseph smith. et al., to former grantor.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE
TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND
DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH

COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THE CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THE NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

BEING known as 311 Hubert Street, Du Bois, Pennsylvania.

BEING ASSESSMENT PIN NUMBER: 7-5-9-2413-B.

BEING the same premises which, Conrad J. Noker, Jr., and Janet E. Noker, his wife, by Deed dated 3/23/01, and recorded 7/25/01, in the Office of the Recorder in and for Clearfield County in Instrument 200111527, granted and conveyed unto Conrad J. Noker, Jr., and Janet E. Noker, husband and wife, tenants by the entirety, in fee, and the said Conrad J. Noker, Jr. departed this life on the 17th day of April, 2001.

TOGETHER, with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, water, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any ways appertaining, the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title interest, property, claim and demand whatsoever of her, the said Grantors, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, their successors and assigns, to and for the only proper use and behoof of the said Grantee, their successors and assigns forever.

AND the said Grantors do hereby covenant to and with the said Grantee that the said Grantors SHALL and WILL Warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee, their successor and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or a part thereof, by, from or under them or any of them.

Nothing herein shall be construed to extinguish the existing mortgage or mortgages between grantor and grantee.

IN WITNESS HEREOF, the said Grantors has caused these presents to be duly executed, the day and year first above written.

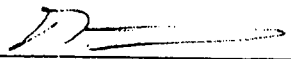
SEALED AND DELIVERED

In the Presence of:

_____ Janet E. Noker (SEAL)
JANET E. NOKER

STATE OF *Indiana*
County of *Allen*

On this *30th* day of *Dec*, 2005, before me, the undersigned officer, personally appeared **JANET E. NOKER**, known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument and acknowledged that he/she executed same for the purposes therein contained.



NOTARY PUBLIC

Roger W. Sterns

Resident of Allen County

Commission Expires 7/1/08

DEED FROM: JANET E. NOKER, WIDOW
TO: BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A
BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

PREMISES: 311 HUBERT STREET, DU BOIS, PENNSYLVANIA
CLEARFIELD County

*I HEREBY CERTIFY that the precise
ADDRESS OF GRANTEE: 931 Corporate Center Drive
Pomona, CA 91769-2642

X 

MARC S. WEISBERG, ESQUIRE
123 SOUTH BROAD STREET
SUITE 2080
PHILADELPHIA, PA 19109