

06-524-CD

complaint filed on 06-06-2006 by Plaintiff Smith

2006-524-CD  
S&T Bank vs Thomas Smith et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

S & T BANK, : No. 06 - 524 C.D.  
Plaintiff, :  
vs. : Type of Case: EJECTMENT  
THOMAS LYLE SMITH and EILEEN M. : Type of Pleading: COMPLAINT  
SMITH, :  
Defendants. : Filed on Behalf of: S & T BANK, Plaintiff  
: Counsel of Record for this Party:  
: PAULA M. CHERRY, ESQ.  
: Supreme Court No.: 36023  
: GLEASON, CHERRY AND CHERRY, L.L.P.  
: Attorneys at Law  
: One North Franklin Street  
: P.O. Box 505  
: DuBois, PA 15801-0505  
: (814) 371-5800  
:

FILED  
04/03/2006  
APR 03 2006

William A. Shaw  
Prothonotary/Clerk of Courts  
cc Atty  
Atty pd. 85.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

S & T BANK, :  
Plaintiff, : No. 06 - \_\_\_\_\_ C.D.  
vs. :  
: IN EJECTMENT  
THOMAS LYLE SMITH and EILEEN M. :  
SMITH, :  
Defendants. :

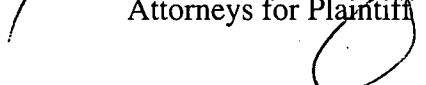
**NOTICE**

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 claims 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.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
230 East Market Street, Suite 228  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

GLEASON, CHERRY AND CHERRY, L.L.P.

By Glenn Cherry  
\_\_\_\_\_  
Attorneys for Plaintiff  


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

S & T BANK, :  
Plaintiff, : No. 06 - \_\_\_\_\_ C.D.  
vs. :  
: IN EJECTMENT  
THOMAS LYLE SMITH and EILEEN M. :  
SMITH, :  
Defendants. :

C O M P L A I N T

NOW, comes S & T BANK, Plaintiff, by its Attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and files this Complaint as follows:

1. The Plaintiff, S & T BANK, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, duly registered to do business in the Commonwealth of Pennsylvania, in accordance with the Act of Assembly, so providing, and with an office located at 456 Main Street, P.O. Box D, Brockway, Pennsylvania 15824.
2. Defendants, THOMAS LYLE SMITH and EILEEN M. SMITH, are husband and wife, currently residing at R.R. #1, Penfield, Clearfield County, Pennsylvania 15849-9801 (the "premises"), more fully described in the legal description attached hereto and made a part hereof as "Exhibit A".
3. Plaintiff, S & T BANK, is the record owner of the premises wherein Defendants reside, having acquired title pursuant to a Sheriff's Sale duly held in Clearfield County, Pennsylvania, on February 3, 2006. The Sheriff's Sale was authorized under the terms of a

Foreclosure Action and Judgment entered thereon in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 03-1142-C.D.

4. A Sheriff's Deed conveying the premises to Plaintiff was acknowledged by Chester A. Hawkins, High Sheriff of the State of Pennsylvania, County of Clearfield, on February 24, 2006, and was duly recorded in the Office for the Recording of Deeds of Clearfield County, Pennsylvania, on February 24, 2006, as Instrument No. 200602907.

5. Defendants have no valid legal right to possession of the premises.

6. Plaintiff claims the right to possession of the premises to the exclusion of the Defendants.

WHEREFORE, Plaintiff seeks judgment for possession of the aforesaid premises..

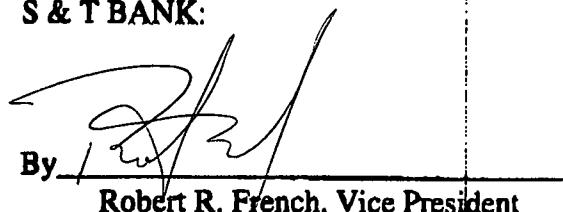
GLEASON, CHERRY AND CHERRY, L.L.P.

By Paula M. Cherry  
Attorneys for Plaintiff

**VERIFICATION**

Understanding that false statements made in this Verification are subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities, I verify that I am the Vice President of S & T BANK, the Plaintiff in the above-captioned matter, that I am authorized to make this Verification on Plaintiff's behalf, and that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

**S & T BANK:**

By   
Robert R. French, Vice President

Dated: March 29, 2006

ALL that certain parcel or piece of land lying, situated and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a P.K. nail set by survey, said nail being in the cartway for Township Road No. 408, and being a common corner of lands now or formerly of Ira and Eleanora Sherwood and of Regis and Louise Maloney, Sr., and also being the Northeast corner of the herein described parcel; thence South  $8^{\circ} 51'$  West along lands now or formerly of Regis and Louise Maloney, Sr., a distance of 710.51 feet to a P.K. nail set by said survey, said nail being the Southeast corner of the herein described parcel; thence, South  $84^{\circ} 29'$  West along Township Road No. 403 and along lands now or formerly of Lyle and Iris Bundy a distance of 429.60 feet to a P.K. nail set by said survey; thence South  $66^{\circ} 40'$  West along Township Road No. 403 and along lands now or formerly of Lyle and Iris Bundy a distance of 497.12 feet to a P.K. nail set by said survey; thence South  $81^{\circ} 35'$  West along lands now or formerly of Lyle and Iris Bundy a distance of 260.77 feet to a P.K. nail set by said survey; thence North  $84^{\circ} 36'$  West along Township Road No. 403 and along lands now or formerly of Lyle and Iris Bundy a distance of 561.67 feet to a P.K. nail set by said survey, said nail being the Southwest corner of the herein described parcel; thence North  $6^{\circ} 30'$  East along lands now or formerly of Green Glen Corporation a distance of 827.28 feet to a one inch iron pipe set by said survey; thence South  $79^{\circ} 28'$  East along lands now or formerly of Green Glen Corporation a distance of 394.28 feet to a one inch iron pipe set by said survey; thence North  $22^{\circ} 47'$  East along lands now or formerly of Green Glen Corporation a distance of 285.59 feet to a one inch iron pipe set by said survey; said iron pipe being the Southwest corner of the lands of Fabian and Sandra Baccelli; thence South  $66^{\circ} 8'$  East along lands now or formerly of Fabian and Sandra Baccelli a distance of 414.87 feet to a one inch iron pipe set by said survey, said pipe being the Southeast corner of the lands of Fabian and Sandra Baccelli: thence North  $34^{\circ} 10'$  East along lands now or formerly of Fabian and Sandra Baccelli a distance of 149.53 feet to a one inch iron pipe set by said survey; thence South  $55^{\circ} 50'$  East a distance of 253.65 feet to a one inch iron pipe set by said survey; thence North  $44^{\circ} 23'$  East a distance of 177.75 feet to a one inch iron pipe set by said survey; thence North  $18^{\circ} 00'$  East a distance of 100.00 feet to a P.K. nail set by said survey, said nail being in the Northern portion of the cartway for Township Road No. 408; thence South  $72^{\circ} 00'$  East along lands now or formerly of Stephen and Christina Newell a distance of 93.00 feet to a P.K. nail set by said survey, said nail being in the Northern cartway for Township Road No. 408; thence South  $67^{\circ} 40'$  East along lands now or formerly of Stephen and Christina Newell and lands now or formerly of Ira and Eleanora Sherwood, a distance of 181.50 feet to a P.K. nail set by said survey, said nail being in the cartway for Township Road No. 408, and being the Northeast corner of the herein described parcel, the point of beginning. Containing 32.35 acres, and being subject to utility easements that may be of record.

EXCEPTING from the above conveyance 10.48 acres as conveyed by Douglas S. Good and Jane A. Good by Deed dated the 25<sup>th</sup> day of January, 1995, to Martin R. Maloney and Michael J. Maloney which appears of record.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

S & T BANK,

vs.

Plaintiff,

THOMAS LYLE SMITH and EILEEN M.  
SMITH,

Defendants.

No. 06 - \_\_\_\_\_ C.D. IN EJECTMENT

C O M P L A I N T

To The Within Defendants:

YOU ARE HEREBY NOTIFIED TO  
PLEAD TO THE WITHIN COMPLAINT  
WITHIN TWENTY (20) DAYS FROM  
THE DATE OF SERVICE HEREOF.

GLEASON, CHERRY AND CHERRY, L.L.P.:

By John Weller  
Attorneys for Plaintiff

**FILED**

APR 03 2006

William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES  
GLEASON, CHERRY & CHERRY, L.L.P.  
P. O. Box 505  
DU BOIS, PENNSYLVANIA 15801-0505  
ONE NORTH FRANKLIN STREET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101411  
NO: 06-524-CD  
SERVICE # 1 OF 2  
COMPLAINT IN EJECMENT

PLAINTIFF: S&T BANK  
vs.  
DEFENDANT: THOMAS LYLE SMITH and EILEEN M. SMITH

**SHERIFF RETURN**

NOW, April 20, 2006 AT 11:27 AM SERVED THE WITHIN COMPLAINT IN EJECMENT ON THOMAS LYLE SMITH DEFENDANT AT RR#1, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO EILEEN SMITH, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

**FILED**  
01/31/2006  
MAY 04 2006 LM

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101411  
NO: 06-524-CD  
SERVICE # 2 OF 2  
COMPLAINT IN EJECMENT

PLAINTIFF: S&T BANK  
vs.  
DEFENDANT: THOMAS LYLE SMITH and EILEEN M. SMITH

**SHERIFF RETURN**

---

NOW, April 20, 2006 AT 11:27 AM SERVED THE WITHIN COMPLAINT IN EJECMENT ON EILEEN M. SMITH DEFENDANT AT RR#1, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO EILEEN M. SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101411  
NO: 06-524-CD  
SERVICES 2  
COMPLAINT IN EJECMENT

PLAINTIFF: S&T BANK  
vs.  
DEFENDANT: THOMAS LYLE SMITH and EILEEN M. SMITH

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GLEASON	10930	20.00
SHERIFF HAWKINS	GLEASON	10930	52.87

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

*Chester A. Hawkins*  
*by Marilyn Harris*

Chester A. Hawkins  
Sheriff

## Notice of Proposed Termination of Court Case

February 1, 2012

RE: 2006-00524-CD

S & T Bank

Vs.

Thomas Lyle Smith  
Eileen M. Smith

FILED  
FEB 01 2012  
William A. Shaw  
Prothonotary/Clerk of Courts

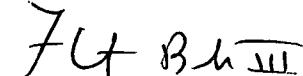
To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **April 2, 2012**.

**If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.**

By the Court,



F. Cortez Bell, III, Esq.  
Court Administrator

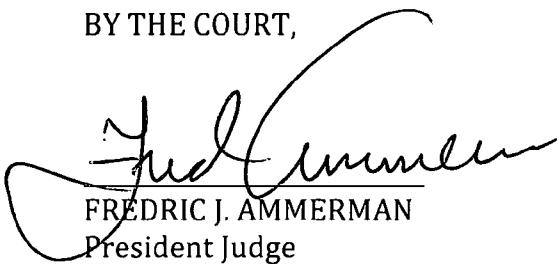
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

S & T BANK \* NO. 2006-524-CD  
Plaintiff \*  
vs. \*  
THOMAS LYLE SMITH and EILEEN M. SMITH, \*  
Defendants \*

ORDER

NOW, this 18<sup>th</sup> day of March, 2013, upon the Court's review of the record, with the Court noting that a Notice of Proposed Termination of Court Case had been mailed to the parties February 1, 2012 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901, the case is hereby TERMINATED for inactivity and DISMISSED, with prejudice. The Prothonotary shall code the case in Full Court as Z-19010.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

FILED  
of 8:52am 1CC Amty P. Chey  
S MAR 20 2013 1CC delts@ RR#1 Penfield  
William A. Shaw PA 15849-  
Prothonotary/Clerk of Courts 9801  
604

**FILED**

**MAR 20 2013**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3-20-13

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

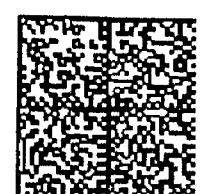
William A. Shaw  
Prothonotary/Clerk of Courts  
Po Box 549  
Clearfield, PA 16830.

FILED

MAR 27 2013  
11:30 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

10

URG  
Thomas Lyle Smith  
Eileen M Smith  
RR #1  
Penfield



Hasler  
03/20/2013  
Mailed From 16830  
US POSTAGE

016H26524836

**\$00.460**

03/20/2013

US POSTAGE

113-923575-4940  
113-923575-4940 - 113-923575-20 - 43

## OFFICE OF THE PROTHONOTARY and CLERK OF COURTS *detts*

WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

JACKI KENDRICK  
Deputy Prothonotary/  
Clerk of Courts

PHONE: 814-765-2641 ext. 1330

To: All Concerned Parties

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1330. Thank you.

William A. Shaw, Prothonotary

DATE: 3-20-13

       You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

       Plaintiff(s)  Plaintiff(s) Attorney        Other

Defendant(s)        Defendant(s) Attorney

       Special Instructions:



Clearfield County Courthouse  
PO Box 549  
Clearfield, Pennsylvania 16830

*RR#1  
Penfield PA*

*15849-9801*

JOHN SUGHRUE, ESQ.  
Solicitor

BONNIE HUDSON  
Administrative Assistant

FAX: 814-765-7659  
[www.clearfieldco.org](http://www.clearfieldco.org)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

S & T BANK \* NO. 2006-524-CD  
Plaintiff \*  
vs. \*  
THOMAS LYLE SMITH and EILEEN M. SMITH, \*  
Defendants \*  
\*  
\*  
\*

**ORDER**

NOW, this 18<sup>th</sup> day of March, 2013, upon the Court's review of the record, with the Court noting that a Notice of Proposed Termination of Court Case had been mailed to the parties February 1, 2012 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901, the case is hereby TERMINATED for inactivity and DISMISSED, with prejudice. The Prothonotary shall code the case in Full Court as Z-19010.

*END OF CASE COPY OF R.J.A. 1901  
statement filed in this case.*

MAR 20 2013

BY THE COURT,

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

*Fred Ammerman*  
FREDRIC J. AMMERMAN  
President Judge

**FILED**  
MAR 20 2013  
*William A. Shaw*  
Prothonotary/Clerk of Courts