

06-1786-CD
Chase Home Fin. Vs Richard Grout

JPMorgan Chase vs Richard Grout
2006-1786-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 142673

ATTORNEY FOR PLAINTIFF

CHASE HOME FINANCE LLC
3415 VISION DRIVE
COLUMBUS, OH 43219

COURT OF COMMON PLEAS

CIVIL DIVISION

Plaintiff

TERM

v.

NO. 2006-1786-CD

CLEARFIELD COUNTY

RICHARD E. GROUT
27 TOWER LANE
UNIT A
DU BOIS, PA 15801

Defendant

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. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

FILED pd \$85.00 Atty
11:10am 1cc Shff
OCT 31 2006

Jan 25, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

File #: 142673
Deputy Prothonotary

William A. Shaw
Prothonotary/Clerk of Courts

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

CHASE HOME FINANCE LLC
3415 VISION DRIVE
COLUMBUS, OH 43219

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

RICHARD E. GROUT
27 TOWER LANE
UNIT A
DU BOIS, PA 15801

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

3. On 09/30/2005 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR BAY CAPITAL CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200521855. 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 07/01/2006 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:

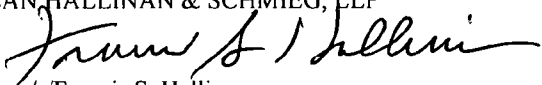
Principal Balance	\$103,496.80
Interest	2,693.44
06/01/2006 through 10/30/2006 (Per Diem \$17.72)	
Attorney's Fees	1,250.00
Cumulative Late Charges	128.44
09/30/2005 to 10/30/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 108,118.68
Escrow	
Credit	0.00
Deficit	1,399.12
Subtotal	<u>\$ 1,399.12</u>
TOTAL	\$ 109,517.80

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 \$ 109,517.80, together with interest from 10/30/2006 at the rate of \$17.72 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 that certain unit, designated as Unit No. 'A' in the Tower Lane Condominiums, situate on that certain piece, parcel or lot of land in the City of DuBois, Clearfield County, Pennsylvania, being bounded and described as follows:

BEGINNING at an iron pin in the right of way line of Tower Lane, being also the northerly line of a 16 foot alley; thence by the right of way line of Tower Lane the following courses and distances N 57-12-08 W 129.91 feet to an iron pin; thence by a curve to the right with a 25 foot radius, having a chord of N 12-06-12 W 35.42 feet to an iron pin; thence N 33-00-00 E 345.44 feet to an iron pin; thence by a curve to the left with a 75 foot radius, having a chord of N 15-34-31 E 44.92 feet to an iron pin; thence by a 25 foot right of way easement N 82-03-08 E 113.65 feet to an iron pin; thence by same S-42-05-14 E 85.49 feet to an iron pin in the northerly right of way of a 16 foot alley; thence by the northerly right of way of said 16 foot alley S-33-00-00 W 465.33 feet to an iron pin and the place of beginning.

Containing 72,529 sq. ft. +1.66 Acre.

AS DESIGNATED in the Declaration of Condominium for Tower Lane Condominiums dated August 30, 2000, recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200012888, and the Plats and Plans dated August 30, 2000, also recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, on September 1, 2000, as Exhibit 'C' to the aforesaid Declaration of Condominium for Tower Lane Condominiums.

TOGETHER WITH all right, title and interest appurtenant to Unit 'A', being and undivided eight and 1/3 percent (8.33%) interest in and to the Common Elements as set forth in the above Declaration; and TOGETHER WITH the right to use and enjoy any Limited Common Elements, as designated in the above Declaration.

FURTHER UNDER AND SUBJECT to the covenants and provisions of said Declaration of Condominiums for Tower Lane Condominiums.

BEING a portion of the same premises conveyed to Torrell and Bernardo Land Corporation by deed of Daniel J. Russell and Cynthia E. Russell, dated July 13, 1996, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 1816, page 540.

ALSO BEING a portion of the same premises conveyed to Torrell and Bernardo Land Corporation by deed of J.B. Green, Jr., Leah Green, Emmanuel J. Klaiber and Pamela L. Klaiber, dated June 12, 1995, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 1687, page 452.

PROPERTY BEING: 27 TOWER LANE, UNIT A

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 on 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 his knowledge, information and belief.

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 10/30/6

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*

October 30, 2006

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

Re: CHASE HOME FINANCE LLC vs. RICHARD E. GROUT

ACTION IN MORTGAGE FORECLOSURE

Dear Sir/Madam:

Enclosed are an original and 1 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 10/30/06 that sheriff's costs total \$100.00 for this file. If there is a concern regarding the costs, please contact Nancy Velazquez 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 #: 142673

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

CHASE HOME FINANCE LLC

Plaintiff

vs.

RICHARD E. GROUT

Defendants

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD County

: No. 2006-1786-CD

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP

By:

FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: January 23, 2007

/lxh, Svc Dept.
File# 142673

FILED

m/12:37
JAN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

Atty pd. 7.00
1 Complaint
Reinstated to Sheriff
@

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102086
NO: 06-1786-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CHASE HOME FINANCE LLC
vs.
DEFENDANT: RICHARD E. GROUT

SHERIFF RETURN

NOW, November 17, 2006 AT 1:15 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RICHARD E. GROUT DEFENDANT AT WORK: 635C MAPLE AVE., DRMC EAST, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RICHARD E. GROUT, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	547193	10.00
SHERIFF HAWKINS	PHELAN	547193	68.73

FILED

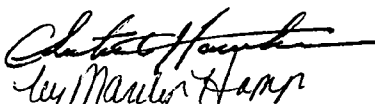
92:2006
FEB 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff