

07-155-CD
Beneficial Con. Vs P. Scoggins al

Beneficial Consumer et,vs Percy Scoggins et
2007-155-CD

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496
MARC S. WEISBERG, ESQUIRE - ID # 17616
EDWARD D. CONWAY, ESQUIRE - ID # 34687
MARGARET GAIRO, ESQUIRE - ID # 34419
FRANK DUBIN, ESQUIRE - ID # 19280

Attorneys for Plaintiff

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
Elmhurst, IL 60126

vs.

Percy D. Scoggins, III and Teresa E. Scoggins
and Occupant(s)
105 Gertrude Street
Philipsburg, PA 16866

Clearfield County
Court of Common Pleas

Number:

2007-155-CD

FILED ~~1CC~~ ~~6CC~~
M/2/17 cm JAN 31 2007 ~~PS~~ ^{85.00}
William A. Shaw
Prothonotary/Clerk of Courts

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.

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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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Attorneys for Plaintiff

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Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania 961 Weigel Drive Elmhurst, IL 60126 vs. Percy D. Scoggins, III and Teresa E. Scoggins and Occupant(s) 105 Gertrude Street Philipsburg, PA 16866	Clearfield County Court of Common Pleas Number
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COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 105 Gertrude Street, Philipsburg, PA 16866, 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 January 5, 2007, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 06-1273-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Percy D. Scoggins, III and Teresa E. Scoggins.

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.

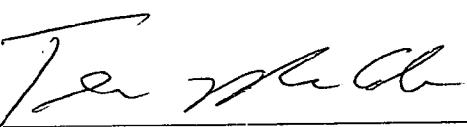
6. By reason of the aforesaid Sheriff's sale, Plaintiff holds paramount title to the premises but Defendants continue to unlawfully and willfully retain possession and keep Plaintiff out of possession thereof and refuse to vacate and deliver up the said premises to Plaintiff.

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.

McCABE, WEISBERG, AND CONWAY, P.C.

BY: 

Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE

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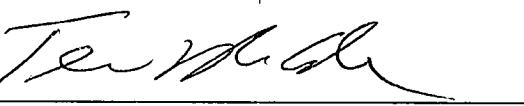
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VERIFICATION

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BY: 

Attorneys for Plaintiff

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EXHIBIT "A"

EXHIBIT A
(Legal Description)

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THE FIRST THEREOF: BEGINNING at an iron pin Southwesterly side of Gertude Street which an iron pin is at the Northwest corner at lot of Loya Hess Johns; thence South fifty (50) degrees West along said Johns lot one hundred seventy-five (175) feet to an iron pin on Clover alley; thence along said alley North thirty seven (37) degrees West about twenty-two (22) feet to the property of Lumadue, thence North fifty-three (53) degrees East one hundred seventy-five (175) feet to Gertude Street, thence along Gertude Street South thirty-seven (37) degrees East about twenty-two (220) feet to beginning.

THE SECOND THEREOF: BEGINNING at a point or post in the Western line of Gertude Street one hundred and seventeen (117) feet from the line of the Beech Creek Railroad; thence along the western line of Gertude Street North 57 degrees West to line of lot now or formally owned by Fry; thence along the line of said Fry lot South 53 degrees West one hundred and seventy-five (175) feet to the eastern line of Clover Alley; thence along the line of said Clover Alley South 37 degrees East forty (40) feet to a post in line of lot owned now or formally by Phillipsburg Fire Brick Company, known as store room lot, thence along the division line between said lots North 35 degrees East one hundred and seventy-five (175) feet to a post in the Western line of Gertude Street and the place of beginning.

PARCEL NO. 3-P12-334-29

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 3 Services

Sheriff Docket #

102397

BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a
BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

Case # 07-155-CD

vs.

PERCY D. SCOGGINS, III and TERESA E. SCOGGINS and OCCUPANTS

TYPE OF SERVICE COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW May 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN
EJECTMENT "NOT FOUND" AS TO PERCY D. SCOGGINS III, DEFENDANT. 105 GERTRUDE ST., PHILIPSBURG,
PA. "APPEARS EMPTY".

SERVED BY: /

FILED
19:18/54
MAY 21 2007
WMA

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 3 Services

Sheriff Docket #

102397

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BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

Case #

07-155-CD

vs.

PERCY D. SCOGGINS, III and TERESA E. SCOGGINS and OCCUPANTS

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EJECTMENT "NOT FOUND" AS TO TERESA E. SCOGGINS, DEFENDANT. 105 GERTRUDE ST., PHILIPSBURG, PA.
"APPEARS EMPTY".

SERVED BY: /

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 3 of 3 Services

Sheriff Docket # 102397

BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a
BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

Case # 07-155-CD

vs.

PERCY D. SCOGGINS, III and TERESA E. SCOGGINS and OCCUPANTS

TYPE OF SERVICE COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW May 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN EJECTMENT "NOT FOUND" AS TO OCCUPANTS (SCOGGINS PROPERTY), DEFENDANT. 105 GERTRUDE ST., PHILIPSBURG, PA. "APPEARS EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102397
NO: 07-155-CD
SERVICES 3
COMPLAINT IN EJECTMENT

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a
BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

vs.

DEFENDANT: PERCY D. SCOGGINS, III and TERESA E. SCOGGINS and OCCUPANTS

SHERIFF RETURN

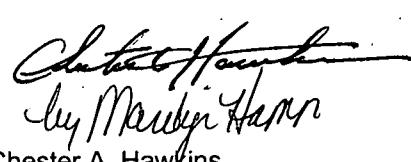
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MCCABE	90501	30.00
SHERIFF HAWKINS	MCCABE	90501	39.52

Sworn to Before Me This

____ Day of _____ 2007

So Answers,



by *Marlyn Ham*
Chester A. Hawkins
Sheriff

McCABE, WEISBERG AND CONWAY, P.C.

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Philipsburg, PA 16866

Clearfield County
Court of Common Pleas

Number:

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

2007-155-CD JAN 31 2007

Attest.

William L. Ober
Prothonotary/
Clerk of Courts

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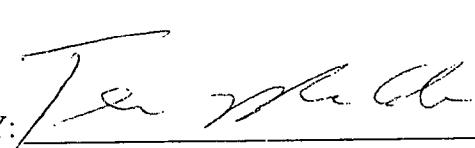
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8. Additionally, as no landlord tenant relationship exists between Plaintiff and Defendant, either written or oral, express or implied, nor was any such relationship created as a result of the foreclosure by Plaintiff, Defendant is not entitled to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

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BY: 
Attorneys for Plaintiff

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PARCEL NO. 3-P12-334-29

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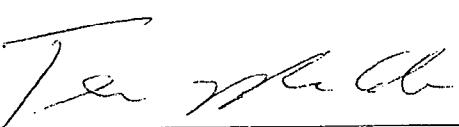
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BY: 

Attorneys for Plaintiff

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PARCEL NO. 3-P12-334-29

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERENCE J. McCABE, ESQUIRE - ID # 16496
MARC S. WEISBERG, ESQUIRE - ID # 17616
EDWARD D. CONWAY, ESQUIRE - ID # 34687
MARGARET GAIRO, ESQUIRE - ID # 34419
FRANK DUBIN, ESQUIRE - ID # 19280

123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorneys for Plaintiff

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

vs.
Percy D. Scoggins, III and Teresa E. Scoggins
and Occupant(s)
105 Gertrude Street
Philipsburg, PA 16866

Clearfield County
Court of Common Pleas

Number:

2007-155-CD

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JAN 31 2007

Attest.

William A. Brown
Prothonotary
Clerk of Courts

COMPLAINT IN EJECTMENT

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Attorneys for Plaintiff

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 Elmhurst, IL 60126 vs. Percy D. Scoggins, III and Teresa E. Scoggins and Occupant(s) 105 Gertrude Street Philipsburg, PA 16866	Clearfield County Court of Common Pleas Number
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COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 105 Gertrude Street, Philipsburg, PA 16866, 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 January 5, 2007, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 06-1273-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Percy D. Scoggins, III and Teresa E. Scoggins.

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.

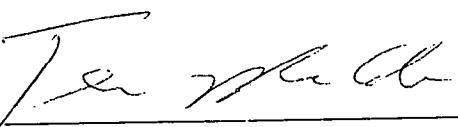
6. By reason of the aforesaid Sheriff's sale, Plaintiff holds paramount title to the premises but Defendants continue to unlawfully and willfully retain possession and keep Plaintiff out of possession thereof and refuse to vacate and deliver up the said premises to Plaintiff.

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.

McCABE, WEISBERG, AND CONWAY, P.C.

BY: 

Attorneys for Plaintiff

**TERRENCE J. McCABE, ESQUIRE
MARC S. WEISBERG, ESQUIRE
EDWARD D. CONWAY, ESQUIRE
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VERIFICATION

The undersigned attorney does 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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Attorneys for Plaintiff

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COPY
Attorneys for Plaintiff

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania 961 Weigel Drive Elmhurst, IL 60126 vs. Percy D. Scoggins, III and Teresa E. Scoggins and Occupant(s) 105 Gertrude Street Philipsburg, PA 16866	Clearfield County Court of Common Pleas Number: 2007-155-CD I hereby certify this to be a true and attested copy of the original statement filed in this case. Attest. William E. Brown Prothonotary/ Clerk of Courts
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Attorneys for Plaintiff

123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
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Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania 961 Weigel Drive Elmhurst, IL 60126 vs. Percy D. Scoggins, III and Teresa E. Scoggins and Occupant(s) 105 Gertrude Street Philipsburg, PA 16866	Clearfield County Court of Common Pleas Number
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1. Plaintiff is the owner of the premises known as 105 Gertrude Street, Philipsburg, PA 16866, 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 January 5, 2007, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 06-1273-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Percy D. Scoggins, III and Teresa E. Scoggins.

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.

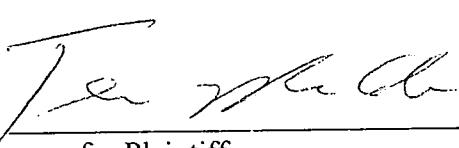
6. By reason of the aforesaid Sheriff's sale, Plaintiff holds paramount title to the premises but Defendants continue to unlawfully and willfully retain possession and keep Plaintiff out of possession thereof and refuse to vacate and deliver up the said premises to Plaintiff.

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.

McCABE, WEISBERG, AND CONWAY, P.C.

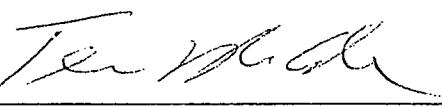
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Attorneys for Plaintiff

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<p>Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania 961 Weigel Drive Elmhurst, IL 60126</p> <p>vs.</p> <p>Percy D. Scoggins, III and Teresa E. Scoggins and Occupant(s) 105 Gertrude Street Philipsburg, PA 16866</p>	<p>Clearfield County Court of Common Pleas</p> <p>Number: 2007-155-CD</p> <p>I hereby certify this to be a true and attested copy of the original statement filed in this case.</p> <p>JAN 31 2007</p> <p>Attest. <i>W. L. Billotte</i> Prothonotary/ Clerk of Courts</p>
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Attorneys for Plaintiff

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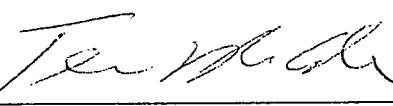
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NOTICE

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.

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 comparecencia 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 SUFFICIENTE DE PAGAR TAL SERVICO, 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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McCABE, WEISBERG AND CONWAY, P.C.
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Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania 961 Weigel Drive Elmhurst, IL 60126 vs. Percy D. Scoggins, III and Teresa E. Scoggins and Occupant(s) 105 Gertrude Street Philipsburg, PA 16866	Clearfield County Court of Common Pleas Number
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COMPLAINT IN EJECTMENT

1. Plaintiff is the owner of the premises known as 105 Gertrude Street, Philipsburg, PA 16866, 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 January 5, 2007, by reason of Writ of Execution issued out of the Clearfield County Court of Common Pleas, Number 06-1273-CD at the suit of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania vs. Percy D. Scoggins, III and Teresa E. Scoggins.

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.

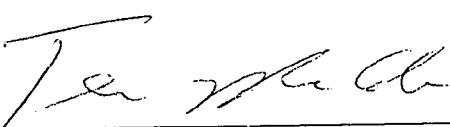
6. By reason of the aforesaid Sheriff's sale, Plaintiff holds paramount title to the premises but Defendants continue to unlawfully and willfully retain possession and keep Plaintiff out of possession thereof and refuse to vacate and deliver up the said premises to Plaintiff.

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.

McCABE, WEISBERG, AND CONWAY, P.C.

BY: 

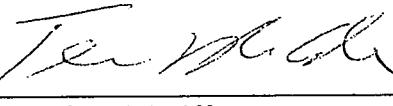
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VERIFICATION

The undersigned attorney does 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.

McCABE, WEISBERG, AND CONWAY, P.C.

BY: 

Attorneys for Plaintiff

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EXHIBIT "A"

EXHIBIT A
(Legal Description)

ALL THAT CERTAIN lot, piece or parcel of ground situate, lying and being in the Borough of Chester Hill, County of Clearfield and State of Pennsylvania, more fully bounded and described as follows:

THE FIRST THEREOF: BEGINNING at an iron pin Southwesterly side of Gertude Street which an iron pin is at the Northwest corner at lot of Loya Hess Johns; thence South fifty (50) degrees West along said Johns lot one hundred seventy-five (175) feet to an iron pin on Clover alley; thence along said alley North thirty seven (37) degrees West about twenty-two (22) feet to the property of Lumadue, thence North fifty-three (53) degrees East one hundred seventy-five (175) feet to Gertude Street, thence along Gertude Street South thirty-seven (37) degrees East about twenty-two (220) feet to beginning.

THE SECOND THEREOF: BEGINNING at a point or post in the Western line of Gertude Street one hundred and seventeen (117) feet from the line of the Beech Creek Railroad; thence along the western line of Gertude Street North 57 degrees West to line of lot now or formally owned by Fry; thence along the line of said Fry lot South 53 degrees West one hundred and seventy-five (175) feet to the eastern line of Clover Alley; thence along the line of said Clover Alley South 37 degrees East forty (40) feet to a post in line of lot owned now or formally by Phillipsburg Fire Brick Company, known as store room lot, thence along the division line between said lots North 35 degrees East one hundred and seventy-five (175) feet to a post in the Western line of Gertude Street and the place of beginning.

PARCEL NO. 3-P12-334-29