

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL CITY BANK,

CIVIL DIVISION

NO. 07-197-CD

Plaintiff,

COMPLAINT IN EJECTMENT

vs.

Code: EJECTMENT

Filed on behalf of
Plaintiff

SCOTT N. MCCRACKEN and JENNIFER
I. MCCRACKEN AND/OR
TENANT/OCCUPANT,

Counsel of record for this
party:

Defendants.

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED *Any pd.*
m 11:52 AM *85.00*
FEB 08 2007
3cc
UF *Sheriff*
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 THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND 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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**PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 - EXT. 20**

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

NATIONAL CITY BANK,

Plaintiff,

vs

NO:

SCOTT N. MCCracken and JENNIFER I. MCCracken
AND/OR TENANT/OCCUPANT,

Defendants.

COMPLAINT IN EJECTMENT

AND NOW, comes the above-captioned Plaintiff, by and through its counsel, Louis P. Vitti & Associates, P.C. and Louis P. Vitti, Esquire, who files this Complaint in Ejectment as follows:

1. The Plaintiff is a corporation having a principal place of business located at 150 Allegheny Center, Pittsburgh, PA 15212.
2. The Defendant(s) are individuals, sui juris, whose last known address was 801 Lee Run Road, Mahaffey, PA 15757.
3. On July 15, 2003, the Plaintiff or its predecessor in title lent to Defendant(s) and/or their predecessor(s) in title, the sum of Sixty Eight Thousand and 00/100 (\$68,000.00) Dollars, and in consideration thereof, the Defendant(s) and/or their predecessor(s) in title, executed a mortgage which was recorded on July 25, 2003, in the Office of the Recorder of Deeds of Clearfield County at Instrument No. 200313232.
4. The premises secured by the mortgage (hereinafter "the Property") are described in the document that is attached hereto, made a part hereof, and called Exhibit "A".

5. The mortgage provides that, in the event of default, the holder thereof has the rights, inter alia, to take possession of the Property and to foreclose the mortgage.

6. Since March 1, 2005, the mortgage has been in default by reason of the failure of the mortgagor(s) to make appropriate payments.

7. An action in mortgage foreclosure was instituted in the Court of Common Pleas of Clearfield County at No. 05-1136-CD, and ultimately a sheriff's sale of the Property -- at which Plaintiff or its predecessor in title was the successful bidder -- occurred on February 2, 2007.

8. Plaintiff, National City Bank, or its subrogee pursuant to a policy of mortgage insurance under the National Housing Act has the right to immediate possession of the Property.

9. Defendant(s) and/or all other occupants continue to occupy the Property.

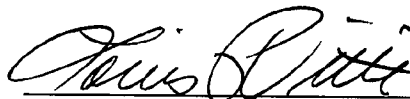
10. Any alleged claim of Defendant(s) to possession of the Property is as or through the owner(s)/mortgagor(s) described in Paragraph 3 hereof.

WHEREFORE, Plaintiff prays Your Honorable Court enter Judgment in favor of the Plaintiff, National City Bank, for sole possession of the Property and vesting the title of said premises in the Plaintiff.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

By:



Louis P. Vitti, Esquire
Attorney for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Township of Greenwood, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the Western line of Township Road; thence South 25° West, four hundred ten (410) feet, more or less, to a post on land now or formerly Hartzfeld line; thence South 25° 15' East, one hundred seventy-six (176) feet to a post on the Northern line of Township Road; thence along Northern line of Township Road, North 53° 15' East, one hundred seven (107) feet to a post; thence continuing along said Township Road, North 60° 15' East, two hundred nineteen (219) feet to a post at the intersection of another Township Road; thence along Western line of second Township Road, North 25° 15' West, three hundred ninety-three (393) feet to post and place of beginning.

HAVING erected thereon a dwelling known as 801 Lee Run Road, Mahaffey, PA 15757.

MAP NO. 117-E11-21.1.

BEING the same premises which William C. Derrick, an adult individual, by his Deed dated 04/19/2000 and recorded 04/20/2000 in the Recorder's Office of Clearfield County, Pennsylvania, Instrument No. 200005307, granted and conveyed unto Scott N. McCracken and Jennifer I. McCracken, husband and wife.

EXHIBIT " A "

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint in Ejectment are true and correct to the best of his 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.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: February 5, 2007

FILED

FEB 08 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 3 Services

Sheriff Docket # **102429**

NATIONAL CITY BANK

Case # 07-197-CD

vs.

SCOTT N. MCCracken and JENNIFER I. MCCracken
and/or TENANT/OCCUPANT

TYPE OF SERVICE COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW May 07, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN EJECTMENT "NOT FOUND" AS TO SCOTT N. MCCracken, DEFENDANT. 801 LEE RUN ROAD, MAHAFFEY, PA. "EMPTY".

SERVED BY: /

FILED

0/11:50am
MAY 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 3 Services

Sheriff Docket # **102429**

NATIONAL CITY BANK

Case # 07-197-CD

vs.

SCOTT N. MCCracken and JENNIFER I. MCCracken
and/or TENANT/OCCUPANT

TYPE OF SERVICE COMPLAINT IN EJECTMENT

SHERIFF RETURNS

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SERVED BY: /

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 3 of 3 Services

Sheriff Docket # **102429**

NATIONAL CITY BANK

Case # 07-197-CD

vs.

SCOTT N. MCCracken and JENNIFER I. MCCracken
and/or TENANT/OCCUPANT

TYPE OF SERVICE COMPLAINT IN EJECTMENT

SHERIFF RETURNS

NOW May 07, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN EJECTMENT "NOT FOUND" AS TO TENANT/OCCUPANT (MCCRACKEN PROPERTY), DEFENDANT. 801 LEE RUN ROAD, MAHAFFEY, PA. "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102429
NO: 07-197-CD
SERVICES 3
COMPLAINT IN EJECTMENT

PLAINTIFF: NATIONAL CITY BANK

vs.

DEFENDANT: SCOTT N. MCCrackEN and JENNIFER I. MCCrackEN
and/or TENANT/OCCUPANT

SHERIFF RETURN


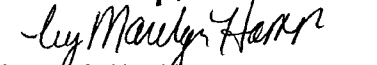
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	VITTI	29464	30.00
SHERIFF HAWKINS	VITTI	29464	45.34

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL CITY BANK,

CIVIL DIVISION

NO. 07-197-CD

Plaintiff,

COMPLAINT IN EJECTMENT

vs.

Code: EJECTMENT

Filed on behalf of
Plaintiff

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Counsel of record for this
party:

Defendants.

Louis P. Vitti, Esquire
Supreme Court #01072

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(814) 765-2641 - EXT. 20**

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CIVIL DIVISION

NATIONAL CITY BANK,

Plaintiff,

vs

SCOTT N. MCCRACKEN and JENNIFER I. MCCRACKEN
AND/OR TENANT/OCCUPANT,

Defendants.

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8. Plaintiff, National City Bank, or its subrogee pursuant to a policy of mortgage insurance under the National Housing Act has the right to immediate possession of the Property.

9. Defendant(s) and/or all other occupants continue to occupy the Property.

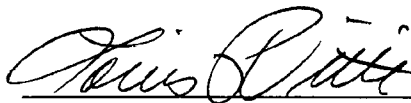
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WHEREFORE, Plaintiff prays Your Honorable Court enter Judgment in favor of the Plaintiff, National City Bank, for sole possession of the Property and vesting the title of said premises in the Plaintiff.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

By:



Louis P. Vitti, Esquire
Attorney for Plaintiff

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NATIONAL CITY BANK,

CIVIL DIVISION

NO. 07-197-CD

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Counsel of record for this
party:

Defendants.

Louis P. Vitti, Esquire
Supreme Court #01072

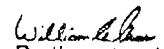
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FEB 08 2007

Attest.


Prothonotary/
Clerk of Courts

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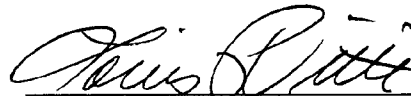
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LOUIS P. VITTI & ASSOCIATES, P.C.

By:



Louis P. Vitti, Esquire
Attorney for Plaintiff

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vs.

Code: EJECTMENT

Filed on behalf of
Plaintiff

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I. MCCRACKEN AND/OR
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Counsel of record for this
party:

Defendants.

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
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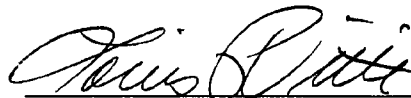
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