

07-728-CD
In Re: 2001 Mercury Sable

2007-728-CD
In Re: 2001 Mercury Sable

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable

VIN NO.: 1MEFM53U51A626213 : No. 2007-728-C9

Type of Pleading: Petition

Filed on behalf of Murrays Ford
Lincoln Mercury, Inc., Petitioner

Counsel of Record for this party:
HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

76
DRAFTED
CJA w/
MOTION FOR
PUB

FILED

MAY 09 2007
01/21/07 (ma)
William A. Shaw
Prothonotary/Clerk of Courts

1 CERT TO
ATTN

HOPKINS HELITZEL LLP

100 Meadow Lane, Suite 5, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable

VIN NO.: 1MEFM53U51A626213 : No. 2007-728-cv

: Type of Pleading: Petition

: Filed on behalf of Murrays Ford
Lincoln Mercury, Inc., Petitioner

: Counsel of Record for this party:

: HOPKINS HELTZEL LLP

: DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

: LEA ANN HELTZEL, ESQUIRE
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Supreme Court No. 83998

: 100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

: (814) 375-0300

FILED

MAY 09 2007

012101WAS

William A. Shaw

Prothonotary/Clerk of Courts

1 CERT TO

Attm

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable :
VIN NO.: 1MEFM53U51A626213 : No.
:

PETITION

AND NOW, comes Murrays Ford Lincoln Mercury Inc., by and through their attorneys, Hopkins, Heltzel LLP, and files the within petition to obtain title to the motor vehicle described herein and in support thereof says:

1. Petitioner is Murrays Ford Lincoln Mercury Inc., a Pennsylvania corporation with a principal business address at 3007 Blinker Parkway, DuBois, Pennsylvania 15801.
2. This action concerns a 2001 Mercury Sable motor vehicle, VIN No. 1MEFM53U51A626213 with mileage of 113,304 miles and bearing California License Plate No. 4VZZ092.
3. The reputed owner of the vehicle is George Delanoy whose address is 204 El Camino Real, No. 615, Encinitas, California 92024.
4. On or about August 15, 2006 Mr. Delanoy left the motor vehicle for a repair estimate. Mr. Delanoy was notified the vehicle required major engine repairs to correct an overheating and missing problem. Since notifying Mr. Delanoy of the major engine repairs Petitioner has not been able to reach him for a decision concerning the repairs.
5. The motor vehicle's title was held by Mission Financial, P.O. Box 29049, Santa Ana, California 92799.

6. Petitioner contacted Mission Financial and learned that the payments on the motor vehicle were in substantial arrears. To the best knowledge, information, belief of Petitioner Mission Financial attempted to contact Mr. Delanoy but was unable to do so.

7. Plaintiff attempted contact with Mr. Delanoy by letter dated December 19, 2006. A photocopy together with the certified mail return receipt card is attached hereto as Exhibit A.

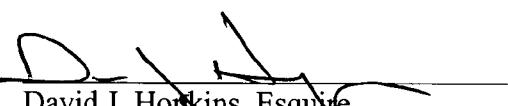
8. Petitioner paid the lien holder, Mission Financial \$400.00 to obtain the title to the motor vehicle. See canceled check marked as Exhibit B.

9. The title is now in the possession of Petitioner. See Exhibit C.

10. Mr. Delanoy has abandoned the motor vehicle in favor of the Petitioner and Petitioner brings this action to obtain title.

WHEREFORE, Petitioner prays this Honorable Court enter an Order eliminating any ownership rights in the vehicle held by George Delanoy and confirming ownership of the motor vehicle in the Petitioner, Murrays Ford Lincoln Mercury, Inc.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable :
VIN NO.: 1MEFM53U51A626213 : No.
:

ORDER

This matter having come before the Court on the Petition of Murrays Ford Lincoln Mercury, Inc.; and the Court having considered the Petition; and the Court having identified that the lien holder of the motor vehicle has been contacted and Murrays Ford Lincoln Mercury, Inc. has purchased the title from the lien holder; and the Court recognizing notice of the abandonment of the vehicle has been given to the owner by publication; and for good cause shown; it is ORDERED and ADJUDGED that ownership of a 2001 Mercury Sable motor vehicle is hereby confirmed to Petitioner Murrays Ford Lincoln Mercury, Inc. whose address is 3007 Blinker Parkway, DuBois, Pennsylvania 15801.

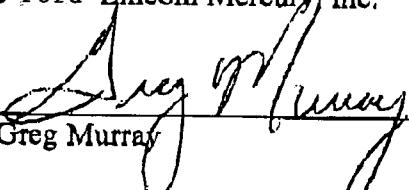
BY THE COURT,

JUDGE

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

Murrys Ford Lincoln Mercury, Inc.

By: 

Greg Murray

MURRAYS

MURRAYS FORD
LINCOLN MERCURY INC.



3007 Blinker Parkway
Route 119 South
DuBois, PA 15801
814-371-6600
1-800-371-6601

MURRAYS HONDA



3269 Blinker Parkway
Route 119 South
DuBois, PA 15801
814-371-5502

MURRAYS FREIGHTLINER
STERLING
WESTERN STAR



1844 Rich Hwy.
Exit 97 I-80, Rt. 219N
DuBois, PA 15801
814-375-9090
1-888-371-9707

1-800-371-6601
1-800-371-6601
1-800-371-6601

December 19, 2006

Mr. George Delanoy
204 El Camino Real #615
Encinitas, California 92024

Dear Mr. Delanoy,

On August 15, 2006 you left your 2001 Sable at Murrays Ford in DuBois for a repair estimate. You were notified that your car required major engine repairs to correct the overheating and missing problem.

Since notification, we have not been able to reach you for your decision about the needed repairs. Since 4 months have passed since your car was left at Murrays, and we have had no contact from you, we are considering your vehicle as abandoned at Murrays.

We have contacted Mission Financial in Santa Ana California where your vehicle was financed and they to have not been able to make contact with you as your vehicle account is in severe delinquency.

We were required to pay a balance of \$400 to Mission Financial to acquire a clear California title to your vehicle.

The purpose of the letter is to notify you that your vehicle will be sold by Murrays Ford to recover this and other expenses paid by Murrays in regards to your vehicle abandonment.

If you have any interest in reclaiming this vehicle, please contact me in the next 10 days. If we do not hear from you in that time, the vehicle will be sold.

Sincerely,

Wally Ivoska
General Sales Manager
Phone 800-371-6601

EXHIBIT

tabies:

A

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

7	0	0	4	7	5	0	0	0	8	5	9	8	0	8
ENCINITAS, CA 92024														
Postage														
\$0.39														
Certified Fee														
\$2.40														
Return Receipt Fee (Endorsement Required)														
\$1.85														
Restricted Delivery Fee (Endorsement Required)														
\$0.00														
Total Postage & Fees														
\$4.64														

0840
0251
Postmark
Here
20
12/20/2004
Vd 13/20/2004

Sent To
 George Delanov
 Street, Apt. No.,
 or PO Box No. 204 El Camino Real #615
 City, State, ZIP+4
 Encinitas, CA 92024

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. <p>1 Article Addressed to:</p> <p>George Delanov 204 El Camino Real #615 Encinitas, CA 92024</p>		COMPLETE THIS SECTION ON DELIVERY <p>A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  12/20/04</p> <p>C. Date of Delivery  12/20/04</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>2 Article Number (Transfer from service label) 7004 0750 0000 8598 2089</p> <p>3 Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
--	--	---	--

MURRAYS FORD, INC.
FORD-MERCURY-LINCOLN-FREIGHTLINER

3007 BLINKER PARKWAY
DU BOIS, PA 15801
(814) 371-6600

2282

M&T Bank

ALL THE BANKS WILL AGREE

60-295/313

VENDOR	CHECK #	DATE	OP	BANK ACCT.	AMOUNT
1629	CK00002282	November 10, 2006	197		6.00

FOUR HUNDRED AND XX / 100

PAY
TO THE
ORDER
OR
MISSION FINANCIAL
2475 N TUSTIN AVE
ORANGE, CA 92865

MISSION FINANCIAL
2475 N TUSTIN AVE
ORANGE, CA 92865

13-30842

Desnoyer

002282 1034302955

BANK ACCT.

AMOUNT

\$ 400.00

18 M

AUTHORIZED SIGNATURE

PAY TO THE ORDER OF
BANK OF THE WEST
► 122242843 ▲
FOR DEPOSIT ONLY
MISSION FINANCIAL SERVICES CORP
748013745

0270013830 11/28/2006 0
Bank of the West >121100782<
351 009 4

0114335737
1272402006
1272400040 FRB-PHL
1272400080 FRB-0908 PR-30
PROCESSED-MAT BALT
1001

EXHIBIT

B

STATE OF CALIFORNIA

CERTIFICATE OF TITLE

VEHICLE HISTORY

11405110210

AUTOMOBILE

VEHICLE ID NUMBER

1M6FM53U51A626213

BODY TYPE/MODEL

HD

YR/1ST SOLD

UNLADEN WEIGHT

FUEL

CLASS

YR

MO

EQUIPMT/TRUST NUMBER

2001 MERC

FEES PAID

4VZZ092

REGISTRATION EXPIRATION DATE

01/18/2006

ISSUE DATE

11/12/05

MOTORCYCLE ENGINE NUMBER

135092

REGISTERED OWNER(S)

DELANOY GEORGE

204 EL CAMINO REAL #615

ENCINITAS CA 92024

1a. DATE SIGNATURE OF REGISTERED OWNER1b. DATE SIGNATURE OF REGISTERED OWNER

Federal and State law requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

The odometer now reads

(no tenths) miles and to the best of my knowledge reflects the actual

mileage unless one of the following statements is checked.

WARNING Odometer reading is not the actual mileage. Mileage exceeds the odometer mechanical limits.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE TRANSFER/SELLER SIGNATURE(S)

PRINTED NAME OF AGENT SIGNING FOR A COMPANY

DATE TRANSFeree/BUYER SIGNATURE(S)

PRINTED NAME OF AGENT SIGNING FOR A COMPANY

IMPORTANT READ CAREFULLY

Any change of Lienholder (holder of security interest) must be reported to the Department of Motor Vehicles within

10 days.

(LEINHOLDER(S))

MISSION FNCL

PO BX 29049

SANTA ANA CA 92799

X WITHHOLD WARRANTY

Signature releases interest in vehicle. Company

names must be countersigned.

Release Date 12/7/05

CA91328540

027611

REG. 17.30B (REV. 10/03)

KEEP IN A SAFE PLACE - VOID IF ALTERED

EXHIBIT

C

tabbies'

On

HOPKINS HELTZEL LLP

100 Meadow Lane, Suite 5, DuBois, Pennsylvania 15801
Voice: (814) 375-0300 FAX: (814) 375-5035

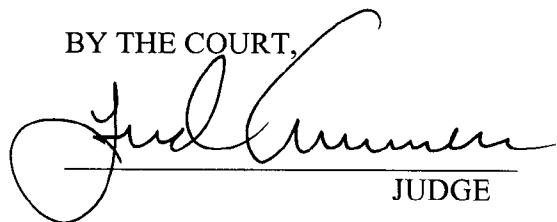
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable :
VIN NO.: 1MEFM53U51A626213 : No. 2007-728-COP

ORDER FOR PUBLICATION

AND NOW, this 10 day of May, 2007, upon the consideration of the foregoing Motion, the Plaintiff is granted leave to make service of the Petition on George Delanoy, his heirs, administrators, executors and assigns, by publication one time in the Courier Express published in the City of DuBois, County of Clearfield and Commonwealth of Pennsylvania and one time in the Clearfield County Legal Journal.

BY THE COURT,



JUDGE

FILED cc Atty
05/11/2007 Hopkins
MAY 10 2007
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

up

HOPKINS HELTZEL LLP

100 Meadow Lane, Suite 5, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

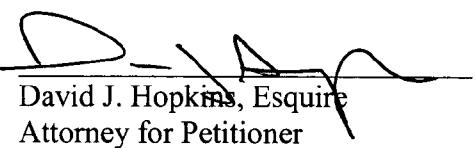
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable :
VIN NO.: 1MEFM53U51A626213 : No. 2007-728-CP

MOTION FOR PUBLICATION

AND NOW, this 9th day of May, 2007, an Affidavit having been executed and filed on behalf of Murrays Ford Lincoln Mercury, Inc. by Gregory Murray, the whereabouts of George Delanoy, his heirs, administrators, executors and assigns, are unknown. The Plaintiff, by its counsel, Hopkins Heltzel LLP, requests the Court for leave to serve the Petition on the above mentioned George Delanoy, his heirs, administrators, executors and assigns, by publication in such manner as the Court shall direct and as provided by Pa. R.C.P. Rule 410, and Pa.R.C.P. Rule 430.

Respectfully submitted,


David J. Hopkins, Esquire
Attorney for Petitioner

FILED 
MAY 09 2007
012:10 PM
William A. Shaw
Prothonotary/Clerk of Courts
1 CENT. TO FILE

HOPKINS HELTZEL LLP

100 Meadow Lane, Suite 5, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable :
VIN NO.: 1MEFM53U51A626213 : No. 2007-728 C.D.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Personally appeared before me, the undersigned officer, David J. Hopkins, Attorney for Murrays Ford Lincoln Mercury, Inc., who, being duly sworn according to law, deposes and says that the service of a Notice to the owner of a 2001 Mercury Sable bearing VIN NO. 1MEFM53U51A626213, has been served upon the owner of said vehicle, by publication, and said Notice having been duly published in the Courier Express of DuBois, Pennsylvania and the Clearfield County Legal Journal; and there having been no written responses filed to said Petition, although the time in which to do so has expired.

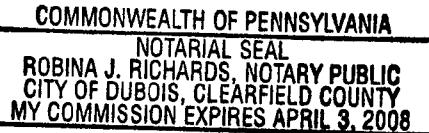


David J. Hopkins, Esquire

Sworn to and subscribed before me this
8th day of June, 2007.



Robina J. Richards
Notary Public



FILED *ICC Att'y*
98:50 AM *Hopkins*
JUN 08 2007
wm

William A. Shaw
Prothonotary/Clerk of Courts

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

IN RE: 2001 Mercury Sable .
VIN NO.: 1MEFM53U51A626213
No. 2007-728 C.D.

NOTICE

Notice is hereby given that on May 9, 2007, the Petition of Murrays Ford Lincoln Mercury, Inc. was filed in the above named Court, requesting an Order to eliminate any ownership rights in a 2001 Mercury Sable motor vehicle, VIN NO.: 1MEFM53U51A626213 held by Delanoy George and confirming ownership of the motor vehicle in Murrays Ford Lincoln Mercury, Inc.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY TO FILE YOUR DEFENSE OR OBJECTIONS IN WRITING WITH THE COURT. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PLAINTIFFS. 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, Clearfield, Pennsylvania 16830, (814)765-2641.

David J. Hopkins, Esquire, 100 Meadow Lane, Suite 5, DuBois, PA 15801, (814)375-0300.

REPORT OF JUDGMENTS

May 7, 2007

Ohio Savings Bank vs. John Carolus,
Nicole Carolus 2006-1992-CD \$29,628.73
Citibank vs. Dennis G. Middleton 2007-
81-CD \$5,467.05
Miller Brothers Furniture Inc. vs. Micale
Construction Services 2007-346-CD
\$38,840.21
Internal Revenue Service vs. Helping
Hands Caring Hearts 2007-721-CD
\$7,372.22

REPORT OF JUDGMENTS

May 9, 2007

Internal Revenue Service vs. Russell B.
McGuire 2007-731-CD \$10,825.80
Internal Revenue Service vs. Timothy
Muth 2007-732-CD \$11,729.96
Deutsche Bank Trust Company vs.
Robert L. Cannistraci 2006-1443-CD
\$71,028.19
Bank of America N.A., Fleet National
Bank vs. Kenneth A. Luchini 2007-190-CD
\$14,875.11

REPORT OF JUDGMENTS

May 10, 2007

U.S. Airways Federal Credit Union,
Clearview Federal Credit Union vs. Michelle
Lee McKay 2007-167-CD \$8,649.36

REPORT OF JUDGMENTS

May 11, 2007

Bank One Delaware N.A., Chase
Manhattan Bank U.S. vs. Kelly J. Royer
2006-667-CD \$21,066.35

ESTATE NOTICES

5967

PROOF OF PUBLICATION

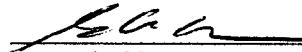
STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

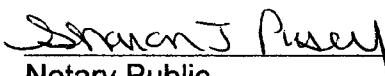
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On this 18th day of May AD 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of May 18, 2007, Vol. 19 No. 20. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

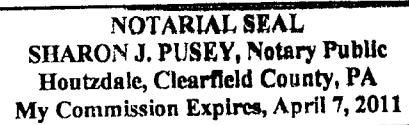


Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.



Notary Public
My Commission Expires



David J Hopkins
100 Meadow Ln Suite 5
DuBois PA 15801

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

No. 2007-728 C.D.

IN RE: 2001 Mercury Sable
VIN NO.: 1MEFM53U51A626213

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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
Clearfield, Pennsylvania 16830
(814) 765-2641

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801
(814) 375-0300

5/16/07

Special Prizes • Free Donuts

**REDEEM PINK WINNING
FLIERS TONIGHT**

LUCKY NUMBER I-16

★ JACKPOT 57 ★

BONANZA • 2 MAGIC #S

••• Quickie Games at 6:45 •••

★ NEW Extra Jackpot Consolation ★
(Dependent on Attendance) ★

Free Coffee • Paul Boboige, Chairman

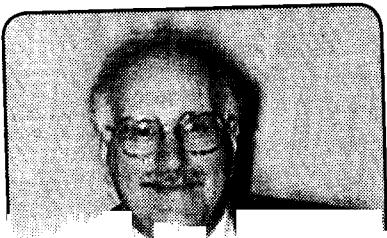
Happy Face

025

Happy Face

025

Happy 65th Birthday
FRANK TROYAN JR.



CH

HOPKINS HELTZEL LLP

100 Meadow Lane, Suite 5, DuBois, Pennsylvania 15801
VOICE: (814) 375-0300 FAX: (814) 375-5035

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

IN RE: 2001 Mercury Sable :
VIN NO.: 1MEFM53U51A626213 : No. 2007-728 C.D.
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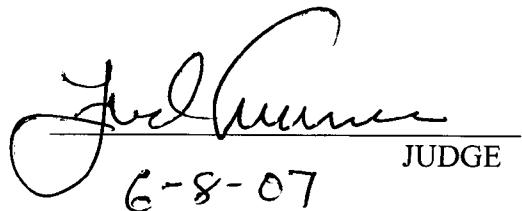
ORDER

This matter having come before the Court on the Petition of Murrays Ford Lincoln Mercury, Inc. and:

1. The Court having considered the Petition concerning the 2001 Mercury Sable motor vehicle, VIN NO. 1MEFM53U51A626213;
2. Murrays Ford Lincoln Mercury, Inc. has purchased the title of the motor vehicle from the lien holder;
3. Notice of this action has been given to the owner by publication in the Courier Express on May 16, 2007 and in the Clearfield County Legal Journal on May 18, 2007;
4. The owner of the vehicle, George Delanoy, has failed to file an answer; and
5. For good cause shown;

It is ORDERED and ADJUDGED that ownership of a 2001 Mercury Sable motor vehicle, VIN NO. 1MEFM53U51A626213 is hereby confirmed to Petitioner Murrays Ford Lincoln Mercury, Inc. whose address is 3007 Blinker Parkway, DuBois, Pennsylvania 15801.

BY THE COURT,


6-8-07
JUDGE

FILED
0/11/45cm ATT
JUN 11 2007 Hopkins
GR
William A. Shaw
Prothonotary/Clerk of Courts