

2007-947-CD
Fannie Mae vs Jason Smith et al

07-947-CD
Fannie Mae vs Jason L. Smith

Pa \$85.00
FILED
m/l: 40 cm ICC Shlf
JUN 14 2007 ICC AAAy

William A. Shaw
Prothonotary/Clerk of Courts

Phelan, Hallinan & Schmieg, LLP
By: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center A Suburban Station
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney for Plaintiff

Fannie Mae
14221 Dallas Parkway
Dallas, TX 75254-2916
v.
Jason L. Smith
Or Occupants
216 Fairview Avenue
Du Bois, PA 15801

: Court of Common Pleas
: Civil Division
: Clearfield County
: Term
: No. 07-947-C

CIVIL ACTION - EJECTMENT

This firm is a debt collector attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

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 (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 and 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 legal help. 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.

CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641

PHS #: 156536

1. Plaintiff is **Fannie Mae**.
2. Defendant is **Jason L. Smith Or Occupants**.
3. Plaintiff is equitable owner of premises located at **216 Fairview Avenue, Du Bois, PA 15801**, a legal description of which is attached.
4. Plaintiff became owner of said premises as a result of foreclosure and judicial sale by the Sheriff of **Clearfield County, on June 1, 2007**.
5. Plaintiff, by virtue of the above, is the equitable owner of said premises, and is entitled to possession thereof. The defendant is occupying the said premises without right and so far as the plaintiff is informed, without claim of title.
6. Plaintiff has demanded possession of the said premises from the said defendant who has refused to deliver up possession of same.

WHEREFORE, plaintiff seeks to recover possession of said premises.

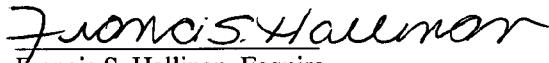

Francis S. Hallinan, Esquire
Attorney for Plaintiff

Exhibit A - Legal Description

All that certain piece of land situate in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a post at Fairview Avenue, Peony Alley and the Northerly corner of Lot No. 172, Thence Southeasterly by line of said Fairview Avenue 100 feet, more or less, to a post at Lily Alley; Thence Southwesterly by line of said Lily Alley, 40 feet more or less, to a post at corner of lands now or formerly of Fannie Freeman, afterwards Vandervort; Thence Northwesterly by line now or formerly of said Vandervort lands, 100 feet, more or less, to a post at Peony Alley; Thence Northeasterly by line of said Peony Alley, 40 feet, more or less, to a post at Fairview Avenue, the place of beginning.

Being known as the Northeasterly part of Lot No. 172 as per J. E. Long's Addition to Dubois, Pennsylvania. Said addition being recorded in the Office of the Recorder of Deeds in and for Clearfield County in Deed Book Volume 66 at page 289.

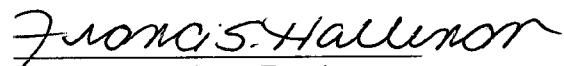
TAX PARCEL INDEX NO.: 7.4-3-719

VERIFICATION

Francis S. Hallinan hereby states that he is the attorney for the Plaintiff in this eviction action and is authorized to make this verification. The statements made in the foregoing Civil Action - Ejectment are correct to the best of my knowledge, information, and belief. I was the attorney for the Plaintiff or Plaintiff's predecessor in interest in the underlying foreclosure action. I am with the law firm on the writ of execution, and my law firm or an agent of my firm purchased the property on behalf of the Plaintiff by bidding on the property at the sheriff's sale. I am making this verification rather than a representative of the Plaintiff because I have personal knowledge of the purchase of this property at sheriff's sale.

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

6/13/07
Date


Francis S. Hallinan, Esquire
Attorney for Plaintiff

FILED ^{cc}
MTO:SPW AMG
OCT 04 2007
JS

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Fannie Mae
14221 Dallas Parkway
Dallas, TX 75254-2916
Plaintiff

Court of Common Pleas

vs.
Jason L. Smith
Or occupants
216 Fairview Avenue
DuBois, PA 15801
Defendant

Clearfield County

Civil Division

No. 07-947-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Direct Sheriff to File
Affidavit of Service and Brief in Support thereof were served upon the following interested
parties via first class mail on the date indicated below:

Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, Pennsylvania 16830

Peter F. Smith, Esquire
30 S. 2nd Street,
P.O. Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Jason L. Smith
Or occupants
216 Fairview Avenue

DuBois, PA 15801

PHELAN HALLINAN & SCHMIEG, LLP

10/2/07
Date

Michele M. Bradford
Michele M. Bradford, Esquire
Attorney for Plaintiff

CA
1CC
FILED

9/24/3 cm 160 pg to
OCT 05 2007 Shff

William A. Shaw (without memo)
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

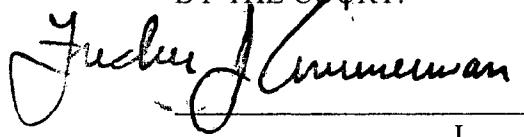
Fannie Mae	:	
14221 Dallas Parkway	:	
Dallas, TX 75254-2916	:	
Plaintiff	:	Civil Division
vs.	:	
Jason L. Smith	:	No. 07-947-CD
Or occupants	:	
216 Fairview Avenue	:	
DuBois, PA 15801	:	
Defendant	:	

ORDER

AND NOW, this 5th day of October, 2007, upon consideration of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service, and any response thereto, it is hereby:

ORDERED and DECREED that the Sheriff of Clearfield County is hereby directed to complete and file an Affidavit of Service of the ejectment Complaint within two ^{FA} days of the date of this Order.

BY THE COURT:


J.

FILED

OCT 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10-5-2007

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:

FILED 1CC
m110:5601 Atty
OCT 04 2007
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Fannie Mae	:	Court of Common Pleas
14221 Dallas Parkway	:	
Dallas, TX 75254-2916	:	
Plaintiff	:	Clearfield County
vs.	:	Civil Division
Jason L. Smith	:	
Or occupants	:	
216 Fairview Avenue	:	
DuBois, PA 15801	:	No. 07-947-CD
Defendant		

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on June 14, 2007. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".

2. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendant.

3. On July 26, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Jason L. Smith and Or occupants were personally served on June 21, 2007.

1. On July 26, 2007 , Plaintiff sent the Defendant a ten day letter notifying them of its intention to file a default judgment.

2. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on June 21, 2007 .

3. Plaintiff is unable to enter judgment and praecipe for a writ of possession until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary.

4. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order directing the Sheriff of Clearfield County to file the affidavit of service of the Complaint with the Prothonotary within seven days.

10/2/07
Date

Michele M. Bradford
Michele M. Bradford, Esquire
Attorney for Plaintiff

EXHIBIT “A”

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

JUN 14 2007

Attest.

William J. Schaeffer
Prothonotary/
Clerk of Courts

Attorney for Plaintiff

Phelan, Hallinan & Schmieg, LLP
By: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center A Suburban Station
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Fannie Mae
14221 Dallas Parkway
Dallas, TX 75254-2916

v.
Jason L. Smith
Or Occupants
216 Fairview Avenue
Du Bois, PA 15801

: Court of Common Pleas
: Civil Division
: Clearfield County
: Term
: No. 07-947-CD

ATTORNEY FILE COPY
PLEASE RETAIN

CIVIL ACTION - EJECTMENT

This firm is a debt collector attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

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 (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 and 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 legal help. 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.

CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641

PHS #: 156536

I hereby certify this
to be a true and
correct copy of the
original filed of record
in the office of the
Court Administrator

ATTORNEY FILE COPY
PLEASE RETAIN

1. Plaintiff is **Fannie Mae**.
2. Defendant is **Jason L. Smith Or Occupants**.
3. Plaintiff is equitable owner of premises located at **216 Fairview Avenue, Du Bois, PA 15801**, a legal description of which is attached.
4. Plaintiff became owner of said premises as a result of foreclosure and judicial sale by the Sheriff of **Clearfield County, on June 1, 2007**.
5. Plaintiff, by virtue of the above, is the equitable owner of said premises, and is entitled to possession thereof. The defendant is occupying the said premises without right and so far as the plaintiff is informed, without claim of title.
6. Plaintiff has demanded possession of the said premises from the said defendant who has refused to deliver up possession of same.

WHEREFORE, plaintiff seeks to recover possession of said premises.

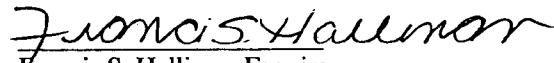

Francis S. Hallinan, Esquire
Attorney for Plaintiff

Exhibit A - Legal Description

All that certain piece of land stuate in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a post at Fairview Avenue, Peony Alley and the Northerty corner of Lot No. 172, Thence Southeasterly by line of said Fairview Avenue 100 feet, more or less, to a post at Lily Alley; Thence Southwesterly by line of said Lily Alley, 40 feet more or less, to a post at corner of lands now or formerly of Fannie Freeman, afterwards Vandervort; Thence Northwesterly by line now or formerly of said Vandervort lands, 100 feet, more or less, to a post at Peony Alley; Thence Northeasterly by line of said Peony Alley, 40 feet, more or less, to a post at Fairview Avenue, the place of beginning.

Being known as the Northeasterly part of Lot No. 172 as per J. E. Long's Addition to Dubois, Pennsylvania. Said addition being recorded in the Office of the Recorder of Deeds In and for Clearfield County in Deed Book Volume 65 at page 289.

TAX PARCEL INDEX NO.: 7.4-3-719

VERIFICATION

Francis S. Hallinan hereby states that he is the attorney for the Plaintiff in this eviction action and is authorized to make this verification. The statements made in the foregoing Civil Action - Ejectment are correct to the best of my knowledge, information, and belief. I was the attorney for the Plaintiff or Plaintiff's predecessor in interest in the underlying foreclosure action. I am with the law firm on the writ of execution, and my law firm or an agent of my firm purchased the property on behalf of the Plaintiff by bidding on the property at the sheriff's sale. I am making this verification rather than a representative of the Plaintiff because I have personal knowledge of the purchase of this property at sheriff's sale.

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

6/13/07
Date

Francis S. Hallinan
Francis S. Hallinan, Esquire
Attorney for Plaintiff

VERIFICATION

Michele M. Bradford, Esquire hereby states that she is the attorney for the Plaintiff in this action, that she is authorized to make this Verification, and that the statements made in the foregoing Motion to Direct Sheriff to file Affidavit of Service and Brief in support thereof are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

PHELAN HALLINAN & SCHMIEG, LLP

10/2/07
Date

Michele M. Bradford
Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102908
NO: 07-947-CD
SERVICE # 1 OF 1
COMPLAINT IN EJECTMENT

PLAINTIFF: FANNIE MAE
VS.
DEFENDANT: JASON L. SMITH

SHERIFF RETURN

NOW, June 21, 2007 AT 11:00 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON JASON L. SMITH or OCCUPANTS DEFENDANT AT 216 FAIRVIEW AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JASON SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
07/02/2007
OCT 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	604059	10.00
SHERIFF HAWKINS	PHELAN	604059	36.43

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
by Mailey Harris*
Chester A. Hawkins
Sheriff

PHELAN HALLINAN & SCHMIEG, LLP
BY: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center at Suburban Station
1617 JFK Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Fannie Mae	:	Court of Common Pleas
	:	Civil Division
vs.	:	NO. 07-947- CD
Jason L. Smith	:	
Or occupants	:	Clearfield County
Defendants		

**CERTIFICATE OF SERVICE OF MOTION TO DIRECT
SHERIFF TO FILE AFFIDAVIT OF SERVICE ORDER**

I hereby certify that true and correct copies of Judge Fredric J. Ammerman's court order dated October 5, 2007, directing the Sheriff to file the Affidavit of Service was served upon the following interested parties via first class mail on the dated indicated below:

Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, PA 16830

Peter F. Smith, Esquire (Sheriff's Solicitor)
30 South 2nd Street
P.O. Box 130
Clearfield, PA 16830-2347

Jason L. Smith
Or occupants
216 Fairview Avenue
DuBois, PA 15801

Michele M. Bradford
Michele M. Bradford, Esquire
Attorney for Plaintiff

Date: October 11, 2007

FILED NO cc
OCT 15 2007
2010-3561
WASH
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
By: Lawrence T. Phelan, Esquire I.D. No. 32227
Francis S. Hallinan, Esquire I.D. No. 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

FILED

NOV 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

Attorney for Plaintiff

FANNIE MAE

Plaintiff
vs.
Court of Common Pleas
CLEARFIELD County
No. 07-947 CD

JASON L. SMITH OR OCCUPANTS

Defendant(s)

**PRAECIPE TO WITHDRAW COMPLAINT, WITHOUT PREJUDICE,
AND DISCONTINUE AND END**

TO THE PROTHONOTARY:

Kindly withdraw the complaint filed in the instant matter, without prejudice, and mark this case discontinued and ended, upon payment of your costs only.

Date

11/5/07

Francis S. Hallinan
Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Daniel G. Schmieg, Esquire
Attorneys for Plaintiff

PHS # 156536