

08-143-CD

Fannie Mae vs Dennis Rougeux

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

: Court of Common Pleas

v.

: Civil Division

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

: Clearfield County

: Term

: No.

08-143-CD

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.

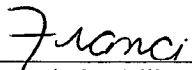
CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641

PHS #: 169633

FILED Any pd. *95.00
m12:2561
JAN 29 2008 1cc Sheriff
1cc Atty
William A. Shaw
Prothonotary/Clerk of Courts

1. Plaintiff is Fannie Mae.
2. Defendant is Dennis L. Rougeux Or Occupants.
3. Plaintiff is the record owner of premises located at 213 Spruce Street, Clearfield, PA 16830, a legal description of which is attached.
4. Plaintiff became the owner of said premises as a result of the foreclosure and judicial sale by the Sheriff of Clearfield County, on December 7, 2007, as evidenced by the Sheriff's deed recorded January 17, 2008 in the Office of the Recorder of Clearfield County in Instrument Number 200800711.
5. Plaintiff, by virtue of the above, is the record 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

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Known in the plot or plan of certain lots laid out by G.L. Reed, Esquire as Lot Number Eleven (11) in Block Number Two (2), bounded on the west by Spruce Street sixty (60) feet;

On the south by Lot Number Ten (10) one hundred and seventy-eight and six-tenths (178.6) feet;

On the East (erroneously described as west in prior deeds) by an alley sixty (60) feet; and

On the north by Lot Number Twelve (12) one hundred eighty-one and two-tenths (181.2) feet.

BEING identified as Clearfield County tax parcel No. 4.2-K08-237-00039

PROPERTY BEING: 213 SPRUCE STREET

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.

1/28/08
Date

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Fannie Mae	:	Court of Common Pleas
14221 Dallas Parkway	:	
Dallas, TX 75254-2916	:	
Plaintiff	:	Civil Division
	:	
vs.	:	
	:	Clearfield County
Dennis L. Rougeux	:	
or occupants :	:	
213 Spruce Street	:	No. 08-143-CD
Clearfield, PA 16830	:	
Defendant(s)	:	

RULE

AND NOW, this _____ day of _____ 2008, a Rule is entered upon the Defendant(s) and/or the Sheriff of Clearfield County to show cause why an Order should not be entered granting Plaintiff's Motion to Direct Sheriff to File Affidavit of Service.

Rule Returnable on the _____ day of _____ 2008, at _____ at the Clearfield County Courthouse, Clearfield Pennsylvania.

BY THE COURT,

J.

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

vs.

Dennis L. Rougeux
or occupants :
213 Spruce Street
Clearfield, PA 16830
Defendant(s)

Court of Common Pleas

Civil Division

Clearfield County

No. 08-143-CD

FILED

MAY 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

CANT TO HRY
J SHANIK

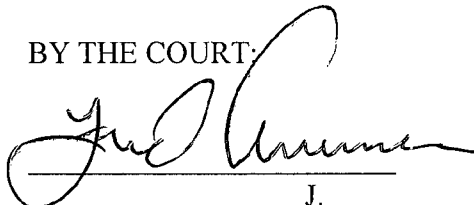
CK

ORDER

AND NOW, this 16 day of May, 2008, 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 seven days of the date of this Order.

BY THE COURT:


J.

Handwritten notes at the top of the page, including "1" and "2".

Special Instructions: _____
Defendant(s) _____
Plaintiff(s) _____
The Prothonotary's Office has provided service to the following parties:
☒ You are responsible for serving all appropriate parties.
DATE: 5-16-08

FILED
MAY 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

FILED
MAY 14 2008
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEYS FOR PLAINTIFF

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

Court of Common Pleas

Civil Division

vs.

Clearfield County

Dennis L. Rougeux
or occupants
213 Spruce Street
Clearfield, PA 16830

No. 08-143-CD

Defendant(s)

FILED
MAY 15 2008
William A. Shaw
Prothonotary/Clerk of Courts

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on January 29, 2008 . 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(s).
3. On April 3, 2008 , the Sheriff's office verbally advised counsel for Plaintiff that Dennis L. Rougeux accepted service on February 6, 2008 .

4. On March 14, 2008, Plaintiff sent the Defendant(s) (a) ten day letter(s) notifying him of its intention to file a default judgment.

5. To date, the Clearfield County Sheriff's office has not filed the Affidavit of Service, which was made on February 6, 2008 .

6. 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.

7. 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.

Respectfully submitted,
PHELAN HALLINAN & SCHMIEG, LLP

5/13/08
Date

Michele M. Bradford
Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

EXHIBIT “A”

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

JAN 29 2008

Attest.

William H. B.
Prothonotary
Clerk of Court

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.

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

: Court of Common Pleas
: Civil Division
: Clearfield County
: Term
: No. 08-143-CD

FILED
PLEASE SEE

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.

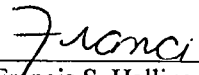
CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641

PHS #: 169633

ATTORNEY FILING
PLEASE SEE

1. Plaintiff is Fannie Mae.
2. Defendant is Dennis L. Rougeux Or Occupants.
3. Plaintiff is the record owner of premises located at 213 Spruce Street, Clearfield, PA 16830, a legal description of which is attached.
4. Plaintiff became the owner of said premises as a result of the foreclosure and judicial sale by the Sheriff of Clearfield County, on December 7, 2007, as evidenced by the Sheriff's deed recorded January 17, 2008 in the Office of the Recorder of Clearfield County in Instrument Number 200800711.
5. Plaintiff, by virtue of the above, is the record 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

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Known in the plot or plan of certain lots laid out by G.L. Reed, Esquire as Lot Number Eleven (11) in Block Number Two (2), bounded on the west by Spruce Street sixty (60) feet;

On the south by Lot Number Ten (10) one hundred and seventy-eight and six-tenths (178.6) feet;

On the East (erroneously described as west in prior deeds) by an alley sixty (60) feet; and

On the north by Lot Number Twelve (12) one hundred eighty-one and two-tenths (181.2) feet.

BEING identified as Clearfield County tax parcel No. 4.2-K08-237-00039

PROPERTY BEING: 213 SPRUCE STREET

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.

1/28/08
Date

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

PHELAN HALLINAN & SCHMIEG, LLP

BY: Michele M. Bradford, Esquire, ID No. 69849

Jenine R. Davey, Esquire, ID No. 87077

ATTORNEYS FOR PLAINTIFF

One Penn Center at Suburban Station

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Fannie Mae

14221 Dallas Parkway

Dallas, TX 75254-2916

Plaintiff

Court of Common Pleas

Civil Division

vs.

Clearfield County

Dennis L. Rougeux

or occupants :

213 Spruce Street

Clearfield, PA 16830

Defendant(s)

No. 08-143-CD

BRIEF IN SUPPORT OF MOTION TO DIRECT THE SHERIFF TO FILE
AFFIDAVIT OF SERVICE

I. PROCEDURAL HISTORY

II. LEGAL ANALYSIS

Pennsylvania Rule of Civil Procedure 400(a) requires that original process within the Commonwealth be made only by the Sheriff. Pa.R.C.P. 405(a) provides as follows:

When service of the original process has been made, the sheriff or other person making service shall make a return of service forthwith. . . .

The Plaintiff does not have the ability to use a private process server to serve ejectment complaints in Clearfield County. The Plaintiff must rely on the Sheriff to do so. In addition, the Sheriff has a duty to file his return of service "forthwith". In the instant case, the Sheriff's office has not complied with that obligation.

Plaintiff is without an adequate remedy at law and will suffer irreparable harm unless the requested relief is granted. This Court has plenary power to administer equity according to well-settled principals of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A. 779, 116 Pa. Super. 101 (1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them instead of encouraging technical niceties in the modes of procedure and forms of pleading. Gunn v. Trout, 380 Pa. 504, 112 A.2d 333 (1955). This is certainly a case where the exercise of this Court's equity powers is appropriate and necessary.

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.

Respectfully submitted,
PHELAN HALLINAN & SCHMIEG, LLP

5/13/08
Date

Michele M. Bradford
Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

VERIFICATION

The undersigned hereby state that they are the attorneys for the Plaintiff in this action, that they are 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 their 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

5/13/08
Date

Michele M. Bradford
Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEYS FOR PLAINTIFF

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

Court of Common Pleas

Civil Division

vs.

Clearfield County

Dennis L. Rougeux
or occupants :
213 Spruce Street
Clearfield, PA 16830

No. 08-143-CD

Defendant(s)

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, PA 16830

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

Dennis L. Rougeux
or occupants
213 Spruce Street
Clearfield, PA 16830

5/13/08
Date

PHELAN HALLINAN & SCHMIEG, LLP

Michele M. Bradford
Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

RECEIVED

MAY 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103693
NO: 08-143-CD
SERVICE # 1 OF 1
COMPLAINT IN EJECTMENT

PLAINTIFF: FANNIE MAE

vs.

DEFENDANT: DENNIS L. ROUGEUX or OCCUPANTS

SHERIFF RETURN

NOW, February 06, 2008 AT 10:30 AM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON DENNIS L. ROUGEUX or OCCUPANTS DEFENDANT AT RESIDENCE 213 SPRUCE ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO REBBECA ROUGEUX, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	663155	10.00
SHERIFF HAWKINS	PHELAN	663155	20.00

FILED

0/3:20 am
MAY 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

FILED Any pd. \$20.00
MAY 23 2008 No CC
Notice to Def.
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Francis S. Hallinan, Esquire
Identification No. 62695
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney for Plaintiff

Fannie Mae

vs.

Dennis L. Rougeux
Or occupants
213 Spruce Street
Clearfield, PA 16830

COURT OF COMMON PLEAS
CIVIL DIVISION
No. **08-143-CD**
Clearfield County

PRAECIPE FOR JUDGMENT IN EJECTMENT

TO THE PROTHONOTARY:

Kindly enter Judgment in Ejectment in favor of the Plaintiff, **Fannie Mae** and against the Defendant(s)

Dennis L. Rougeux and Or occupants for possession of premises, 213 Spruce Street, Clearfield, PA 16830

for failure to file an Answer within twenty (20) days of service.

I hereby certify that according to Rule 237.1, written 10-day notice of Plaintiff's intention to file a praecipe for Entry of default Judgment was mailed to Defendant(s), a true and correct copy of which is attached hereto.


Francis S. Hallinan, Esquire
Attorney for Plaintiff

Default Judgment entered as indicated above.

DATE

Phelan, Hallinan and Schmieg, LLP.
Francis S. Hallinan, Esquire
ID# 62695
One Penn Center, Suite 1400
1617 JFK Boulevard
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Fannie Mae

: Court of Common Pleas
: Civil Division

v.

Dennis L. Rougeux
Or occupants

: CLEARFIELD COUNTY
: No. 08-143-CD

TO: Dennis L. Rougeux or occupants
213 Spruce Street
Clearfield, PA 16830

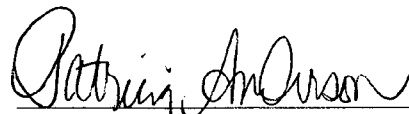
DATE OF NOTICE: April 3, 2008

****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.****

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a Judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

**DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 EXT. 5892**


Patricia Anderson
Legal Assistant

Phelan Hallinan & Schmieg, LLP
By: Francis S. Hallinan, Esquire
Identification No. 62695
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney for Plaintiff.

Fannie Mae

vs.

Dennis L. Rougeux
Or occupants
213 Spruce Street
Clearfield, PA 16830

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: No. **08-143-CD**
: Clearfield County

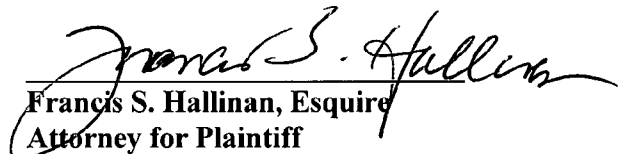
VERIFICATION OF NON-MILITARY SERVICE

FRANCIS S. HALLINAN, ESQUIRE, hereby verifies that he is Attorney for Plaintiff in the above captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(a) That the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) That defendant Dennis L. Rougeux Or occupants, is over 18 years of age, and resides at 213 Spruce Street, Clearfield, PA 16830.

This statement is made subject to the penalties of 18 PA. C.S.S 4904 relating to unsworn falsification to authorities.


Francis S. Hallinan, Esquire
Attorney for Plaintiff

COPY

2

OFFICE OF THE PROTHONOTARY

COURT OF COMMON PLEAS

TO: Dennis L. Rougeux Or occupants
213 Spruce Street
Clearfield, PA 16830

Fannie Mae

vs.

Dennis L. Rougeux
Or occupants
213 Spruce Street
Clearfield, PA 16830

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: No. 08-143-CD
: Clearfield County

Attorney ID # 62695

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

Prothonotary

William L. Hargis 5/23/08

- ☐ Judgment by Default
- ☐ Money Judgment
- ☐ Judgment in Replevin
- ☒ Judgment for Possession
- ☐ Judgment on Award of Arbitration
- ☐ Judgment on Verdict

___ Judgment on Court Findings

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:
ATTORNEY: FRANCIS S. HALLINAN, ESQUIRE at this telephone number: (215) 563-7000.

PRAECIPE FOR WRIT OF POSSESSION

COMMONWEALTH OF PENNSYLVANIA

County of Clearfield

Fannie Mae

vs.

Dennis L. Rougeux
Or occupants
213 Spruce Street
Clearfield, PA 16830

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: No. **08-143-CD**
: Clearfield County

PRAECIPE FOR WRIT OF POSSESSION

TO THE PROTHONOTARY:


Issue Writ of Possession in the above matter for possession of:

213 Spruce Street, Clearfield, PA 16830

****PLEASE SEE THE ATTACHED LEGAL DESCRIPTION****

Being Known as No. 213 Spruce Street

FILED Any pd.
MAY 23 2008 11:43 AM
William A. Shaw
Prothonotary/Clerk of Courts
100.00
1 cc 6 writs
w/prop. desc.
to Sheriff


Francis S. Hallinan, Esquire
Attorney for Plaintiff

Commonwealth of Pennsylvania

County of Clearfield

COPY

Fannie Mae

vs.

Court of Common Pleas

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

_Term, 2008

NO. 08-143-CD

Writ of Possession

TO THE SHERIFF OF Clearfield COUNTY:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver Possession of the following described property to:

Fannie Mae

(2) To satisfy the costs against

**Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830**

directed to levy upon any property of

you are

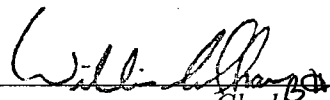
**Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830**

and sell

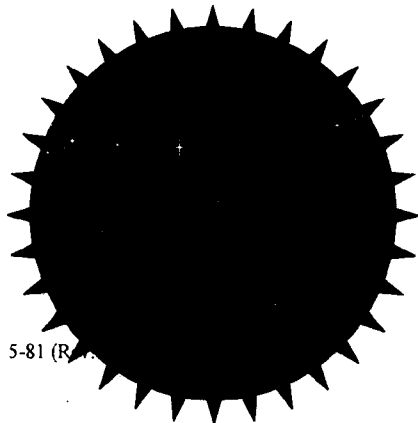
interest therein.

Prothonotary

By


Clerk

Date May 23, 2008



Court of Common Pleas

TERM, 2008

NO. 08-143-CD

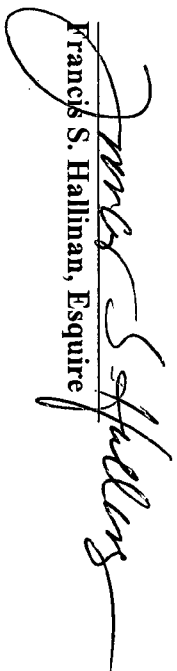
Fannie Mae

vs.

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

WRIT OF POSSESSION

Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban Station
One Penn Center, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000


Francis S. Hallinan, Esquire

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Known in the plot or plan of certain lots laid out by G.L. Reed, Esquire as Lot Number Eleven (11) in Block Number Two (2), bounded on the west by Spruce Street sixty (60) feet;

On the south by Lot Number Ten (10) one hundred and seventy-eight and six-tenths (178.6) feet;

On the East (erroneously described as west in prior deeds) by an alley sixty (60) feet; and

On the north by Lot Number Twelve (12) one hundred eighty-one and two-tenths (181.2) feet.

BEING identified as Clearfield County tax parcel No. 4.2-K08-237-00039

PROPERTY BEING: 213 SPRUCE STREET

FILED *WAC*
MAY 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEYS FOR PLAINTIFF

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

Court of Common Pleas

Civil Division

vs.

Clearfield County

Dennis L. Rougeux
or occupants :
213 Spruce Street
Clearfield, PA 16830

No. 08-143-CD

Defendant(s)

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the Order granting Plaintiff's Motion to Direct Sheriff to File Affidavit of Service 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, PA 16830

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

Dennis L. Rougeux
or occupants
213 Spruce Street
Clearfield, PA 16830

5/21/08
Date

PHELAN HALLINAN & SCHMIEG, LLP

Michele M. Bradford
Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-143-CD

FANNIE MAE

VS

DENNIS L. ROUGEUX or OCCUPANTS

SERVICE # 1 OF 1

WRIT OF POSSESSION

SERVE BY: 06/03/2008 ASAP HEARING: PAGE: 104197

DEFENDANT: DENNIS L. ROUGEUX or OCCUPANTS
ADDRESS: 213 SPRUCE ST.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT or OCCUPANTS

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

5-30-08 W/INmate

SHERIFF'S RETURN

NOW: 30th May 2008 AT 10:44 AM / PM **SERVED** THE WITHIN

WRIT OF POSSESSION ON DENNIS L. ROUGEUX or OCCUPANTS, DEFENDANT

BY HANDING TO Rebecca ROUGEUX, WIFE

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 213 SPRUCE ST CLFD

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

WRIT OF POSSESSION FOR DENNIS L. ROUGEUX or OCCUPANTS

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DENNIS L. ROUGEUX or OCCUPANTS

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answered: CHESTER A. HAWKINS, SHERIFF

BY:

George F. DeHaven
Deputy Signature
George F. DeHaven
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104197
NO: 08-143-CD
SERVICES 1
WRIT OF POSSESSION

PLAINTIFF: FANNIE MAE
vs.
DEFENDANT: DENNIS L. ROUGEUX or OCCUPANTS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	687435	10.00
SHERIFF HAWKINS	PHELAN	687435	52.00

FILED

0/2:20 am
JUN 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

Commonwealth of Pennsylvania

County of Clearfield

Fannie Mae

vs.

Court of Common Pleas

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

_Term, 2008

NO. 08-143-CD

Writ of Possession

TO THE SHERIFF OF Clearfield COUNTY:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver Possession of the following described property to:

Fannie Mae

(2) To satisfy the costs against

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

directed to levy upon any property of

you are

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

and sell

interest therein.

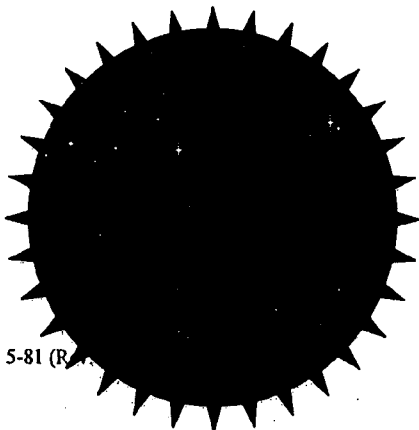
Prothonotary

By William A. [Signature]
Clerk

Date May 23, 2008

Received this writ this 23 day
of May A.D. 2008
At 3:40 A.M. / P.M.

Chester H. Hawkins
Sheriff
by Maury Hamer



5-81 (R)

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Known in the plot or plan of certain lots laid out by G.L. Reed, Esquire as Lot Number Eleven (11) in Block Number Two (2), bounded on the west by Spruce Street sixty (60) feet;

On the south by Lot Number Ten (10) one hundred and seventy-eight and six-tenths (178.6) feet;

On the East (erronously described as west in prior deeds) by an alley sixty (60) feet; and

On the north by Lot Number Twelve (12) one hundred eighty-one and two-tenths (181.2) feet.

BEING identified as Clearfield County tax parcel No. 4.2-K08-237-00039

PROPERTY BEING: 213 SPRUCE STREET

Commonwealth of Pennsylvania

County of Clearfield

Fannie Mae

vs.

Court of Common Pleas

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

_Term, 2008

NO. 08-143-CD

Writ of Possession

TO THE SHERIFF OF Clearfield COUNTY:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver Possession of the following described property to:

Fannie Mae

(2) To satisfy the costs against

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

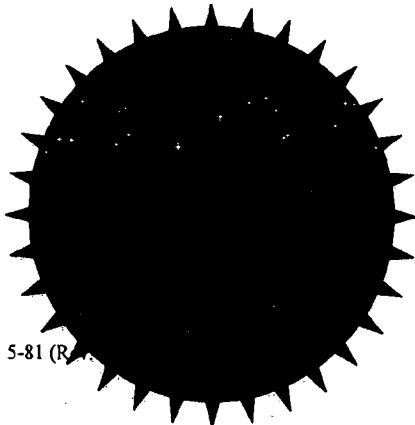
directed to levy upon any property of

you are

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

and sell

interest therein.



5-81 (R)

Prothonotary

By

William L. Hays

Clerk

Date

May 23, 2008

Received this writ this 23 day
of May A.D. 2008
At 3:10 A.M. P.M.

Chester H. Havelius
Sheriff *by Mandy Hays*

Court of Common Pleas

TERM, 2008

NO. 08-143-CD

Fannie Mae

vs.

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

WRIT OF POSSESSION

Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban Station
One Penn Center, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000


Francis S. Hallinan, Esquire

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Known in the plot or plan of certain lots laid out by G.L. Reed, Esquire as Lot Number Eleven (11) in Block Number Two (2), bounded on the west by Spruce Street sixty (60) feet;

On the south by Lot Number Ten (10) one hundred and seventy-eight and six-tenths (178.6) feet;

On the East (erroneously described as west in prior deeds) by an alley sixty (60) feet; and

On the north by Lot Number Twelve (12) one hundred eighty-one and two-tenths (181.2) feet.

BEING identified as Clearfield County tax parcel No. 4.2-K08-237-00039

PROPERTY BEING: 213 SPRUCE STREET

Commonwealth of Pennsylvania

County of Clearfield

Fannie Mae

vs.

Court of Common Pleas

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

_Term, 2008

NO. 08-143-CD

Writ of Possession

TO THE SHERIFF OF Clearfield COUNTY:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver Possession of the following described property to:

Fannie Mae

(2) To satisfy the costs against

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

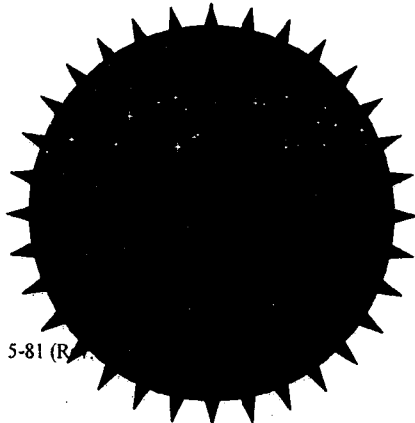
directed to levy upon any property of

you are

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

and sell

interest therein.



5-81 (R)

Prothonotary

By

William L. Hannon

Clerk

Date

May 23, 2008

Received this writ this 23 day
of May A.D. 2008
At 3:40 A.M./P.M.

Chester A. Hannon
Sheriff
by Mandy Hannon

Court of Common Pleas

TERM, 2008

NO. 08-143-CD

Fannie Mae

vs.

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

WRIT OF POSSESSION

Phelan Hallinan & Schmieg, LLP
One Penn Center at Suburban Station
One Penn Center, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000


Francis S. Hallinan, Esquire

FILED
CLERK OF COURT
JAN 21 2009
CLEARFIELD COUNTY, PA

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Known in the plot or plan of certain lots laid out by G.L. Reed, Esquire as Lot Number Eleven (11) in Block Number Two (2), bounded on the west by Spruce Street sixty (60) feet;

On the south by Lot Number Ten (10) one hundred and seventy-eight and six-tenths (178.6) feet;

On the East (erroneously described as west in prior deeds) by an alley sixty (60) feet; and

On the north by Lot Number Twelve (12) one hundred eighty-one and two-tenths (181.2) feet.

BEING identified as Clearfield County tax parcel No. 4.2-K08-237-00039

PROPERTY BEING: 213 SPRUCE STREET

Commonwealth of Pennsylvania

County of Clearfield

Fannie Mae

vs.

Court of Common Pleas

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

_Term, 2008

NO. 08-143-CD

Writ of Possession

TO THE SHERIFF OF Clearfield COUNTY:

(1) To satisfy the judgment for possession in the above matter you are directed to deliver Possession of the following described property to:

Fannie Mae

(2) To satisfy the costs against

Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

directed to levy upon any property of

you are

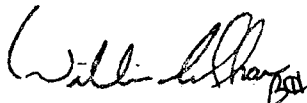
Dennis L. Rougeux
Or Occupants
213 Spruce Street
Clearfield, PA 16830

and sell

interest therein.

Prothonotary

By



Clerk

Date

May 23, 2008

Received this writ this 23 day
of May A.D. 2008
At 3:10, A.M. (P.M.)

Chester A. Hawkins
Sheriff
by Mark H. Hargis

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Known in the plot or plan of certain lots laid out by G.L. Reed, Esquire as Lot Number Eleven (11) in Block Number Two (2), bounded on the west by Spruce Street sixty (60) feet;

On the south by Lot Number Ten (10) one hundred and seventy-eight and six-tenths (178.6) feet;

On the East (erroneously described as west in prior deeds) by an alley sixty (60) feet; and

On the north by Lot Number Twelve (12) one hundred eighty-one and two-tenths (181.2) feet.

BEING identified as Clearfield County tax parcel No. 4.2-K08-237-00039

PROPERTY BEING: 213 SPRUCE STREET

PHELAN HALLINAN & SCHMIEG, LLP

By: Francis S. Hallinan Esquire
Atty. I.D. No.: 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Fannie Mae

Plaintiff

vs.

**Court of Common Pleas
Clearfield County
No. 08-143-CD**

**Dennis L. Rougeux
or occupants**

Defendant(s)

FILED pd \$7.00 Atty
m/2:10pm ICC, Cert of
JUL 02 2008 Sat + 1 Cert
of disc issued
William A. Shaw to Atty
Prothonotary/Clerk of Courts Hg Hallinan

**PRAECIPE TO WITHDRAW COMPLAINT,
SATISFY JUDGMENT AND DISCONTINUE AND
END ACTION, WITHOUT PREJUDICE**

TO THE PROTHONOTARY:

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

6/30/08
Date

Francis S. Hallinan
Francis S. Hallinan
Attorney for Plaintiff

PHS# 169633

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Fannie Mae

Vs.

No. 2008-00143-CD

Dennis L. Rougeux
Occupants

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 2, 2008, marked:

Discontinued and Ended without prejudice

Record costs in the sum of \$142.00 have been paid in full by Francis S. Hallinan Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of July A.D. 2008.

 LM

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

COPY

No.: 2008-00143-CD

Fannie Mae

Debt: Possession

Vs.

Atty's Comm.:

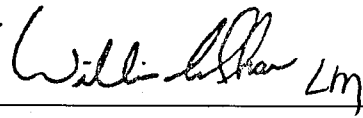
Dennis L. Rougeux
Occupants

Interest From:

Cost: \$7.00

NOW, Wednesday, July 02, 2008 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 2nd day of July, A.D. 2008.


Prothonotary