

08-1820-CD

Bank of NY vs William L. Rauch

FILED
in 11:28 a.m. GK
SEP 26 2008 ICC ATTY
1 COMPL. SHFF
William A. Shaw
Prothonotary/Clerk of Courts ATTY PA10 95.00

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

The Bank Of New York Trust Company, NA As Successor To JPMorgan Chase Bank NA As Trustee : Court of Common Pleas
1100 Virginia Drive P.O.Box 8300
Fort Washington, PA 19034 : Civil Division
v.
William L. Rauch : Clearfield County
Or Occupants
1 Hogback Road a/k/a 121 Scooter Line : Term
Mineral Springs, PA 16855 : No. 2008-1820-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
DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 Ext. 5982

PHS #: 188204

1. Plaintiff is The Bank Of New York Trust Company, NA As Successor To JPMorgan Chase Bank NA As Trustee.
2. Defendant is William L. Rauch Or Occupants.
3. Plaintiff is the record owner of premises located at 1 Hogback Road a/k/a 121 Scooter LineMineral Springs, PA 16855, 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 August 1, 2008, as evidenced by the Sheriff's deed recorded September 23, 2008 in the Office of the Recorder of Clearfield County in Instrument 200815450,
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 Hallinan
Francis S. Hallinan, Esquire
Attorney for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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.

9/25/08
Date

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1820-CD

THE BANK OF NEW YORK TRUST COMPANY, NA as successor

vs

WILLIAM L. RAUCH or OCCUPANTS

COMPLAINT IN EJECTMENT

SERVICE # 1 OF 1

SERVE BY: 10/26/2008

HEARING:

PAGE: 104705

DEFENDANT: WILLIAM L. RAUCH or OCCUPANTS
ADDRESS: 1 HOGBACK ROAD AKA 121 SCOTTER LINE
MINERAL SPRINGS, PA 16855

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT or OCCUPANTS

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

House Empty

5
FILED
0/8:30AM
OCT 14 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN EJECTMENT ON WILLIAM L. RAUCH or OCCUPANTS, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN EJECTMENT FOR WILLIAM L. RAUCH or OCCUPANTS

AT (ADDRESS) _____

NOW 10/13/08 AT 8:30 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO WILLIAM L. RAUCH or OCCUPANTS

REASON UNABLE TO LOCATE NOT FOUND

SWORN TO BEFORE ME THIS

____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

**SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # 104705**

DEAR WILLIAM L. RAUCH or OCCUPANTS

Would you please contact the Sheriff's Office EXTENSION **1360** concerning legal papers we have for you

When you call, please give your name and the case # noted above (**104705**) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

OFFICE HOURS: 8:30 A.M. to 4:00 P.M.
PHONE (814) 765-2641

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

SEP 20 2008

Attest.

William L. Rauch
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

The Bank Of New York Trust Company, NA As
Successor To JPMorgan Chase Bank NA As Trustee : Court of Common Pleas
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v.
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CLEARFIELD COUNTY
DANIEL J. NELSON, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 Ext. 5982

PHS #: 188204

We hereby certify the
within to be a true and
correct copy of the
original filed of record
FEDERMAN AND PHELAN

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Attorney for Plaintiff

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FARCEL #: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

VERIFICATION

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

9/25/08
Date

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

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

**The Bank of New York Trust Company,
NA As Successor to JPMorgan Chase Bank
NA As Trustee**

Plaintiff

vs.

**Court of Common Pleas
Clearfield County
No. 2008-01820-CD**

**William L. Rauch
or occupants**

Defendant(s)

5 **FILED** ICC & Cert of
m 1:20 cm disc issued to
JAN 02 2009 *Att'y Hallinan*

William A. Shaw
Prothonotary/Clerk of Courts

**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.

12/30/08

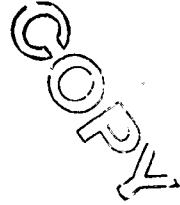
Date

Francis S. Hallinan
Francis S. Hallinan
Attorney for Plaintiff

PHS# 188204

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



The Bank Of New York Trust Company, NA
JP Morgan Chase Bank NA

vs. No. 2008-01820-CD
William L. Rauch
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 January 2, 2009, marked:

Withdraw Complaint, without prejudice, discontinued and ended

Record costs in the sum of \$95.00 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 January A.D. 2009.

um

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104705
NO. 08-1820-CD
SERVICES 1
COMPLAINT IN EJECTMENT

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, NA as successor
VS.
DEFENDANT: WILLIAM L. RAUCH or OCCUPANTS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	735054	10.00
SHERIFF HAWKINS	PHELAN	735054	19.85

FILED
0/3/30cm
JAN 15 2009

S William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff