

00-1592-CD
MANUFACTURERS AND TRADERS TRUST -vs- MICHAEL A. BERG et al
COMPANY

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/1/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

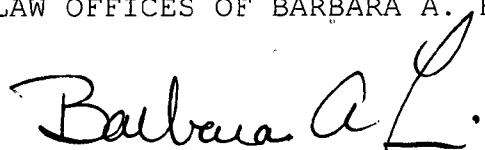
PRAECIPE TO SETTLE, DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above referenced matter SETTLED, DISCONTINUED
AND ENDED.

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

Dated: June 29, 2001

FILED

JUN 02 2001

William A. Shaw
Prothonotary

FILED

July 2 2001

07/03/01 cc: Atty Tern
William A. Shaw

Prothonotary
Cert. Due to

Atty Tern

Copy CA

172

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Manufacturers and Traders Trust Company

Vs. No. 2000-01592-CD
Michael A. Berg
Connie Berg

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, 2001 marked:

Settled, Discontinued and Ended.

Record costs in the sum of \$120.00 have been paid in full by Barbara A. Fein, Esquire.

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. 2001.



William A. Shaw, Prothonotary

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein / I.D. No. 53002
Kristen J. DiPaolo / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
c/o Fairbanks Capital Corp.,
its Loan Servicing Agent
3815 Southwest Temple
Salt Lake City, Utah 84115
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 2000-1592-C0

FILED

DEC 26 2000

William A. Shaw
Prothonotary

CIVIL ACTION -- COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY 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 ANY 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.

NOTICIA

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE (20) DIAS DE PLAZO A PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. USTED DEBE PRESENTAR UNA APARIENCIA ESCRITA O EN PERSONA O POR ABOGADO Y ARCHIVAR EN LA CORTE SUS DEFENSAS O SUS OBJECCIONES A LAS DEMANDAS ENCONTRADA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE ENTRAR UNA ORDEN CONTRA USTED SIN PREVIO AVISO O NOTIFICACION O POR CUALQUIER QUEJA O ALIVIO QUE ESPECIDO EN LA PETICION DE DEMANDA. USTED PUEDE PERDER DINERO, SUS PROPIEDADES O OTROS DERECHOS IMPORTANTES PARA USTED.

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Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16380

(814) 765-2641

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NOTICE REQUIRED UNDER THE FAIR
DEBT COLLECTION PRACTICES ACT,
15 U.S.C. § 1601 (AS AMENDED) AND
THE PENNSYLVANIA UNFAIR TRADE PRACTICES
ACT AND CONSUMER PROTECTION LAW,
73 PA. CON. STAT. ANN. § 201, ET SEQ. ("THE ACTS")

To the extent the Acts may apply, please be advised of the following:

1. The amount of the original debt is stated in the Complaint attached hereto.
2. The Plaintiff whc is named in the attached Complaint and/or its loan servicing agents are Creditors to whom the debt is owed.
3. The debt described in the Complaint attached hereto and evidenced by the copies of the mortgage and note will be assumed to be valid by the Creditor's law firm, unless the Debtors/Mortgagors, within thirty days after receipt of this notice, dispute, in writing, the validity of the debt or some portion thereof.
4. If the Debtors/Mortgagors notify the Creditor's law firm in writing within thirty days of the receipt of this notice that the debt or any portion thereof is disputed, the Creditor's law firm will obtain verification of the debt and a copy of the verification will be mailed to the Debtor by the Creditor's law firm.
5. If the Creditor who is named as Plaintiff in the attached Complaint is not the original Creditor, and if the Debtor/Mortgagor makes written request to the Creditor's law firm within thirty days from the receipt of this notice, the name and address of the original Creditor will be mailed to the Debtor by the Creditor's law firm.
6. Written request should be addressed to:

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Attention: Kristen DiPaolo, Esquire
425 Commerce Drive, Suite 100
Fort Washington, PA 19034

* THIS LETTER MAY BE CONSTRUED AS AN ATTEMPT TO COLLECT A DEBT
AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

CIVIL ACTION -- COMPLAINT IN MORTGAGE FORECLOSURE

1. (a) The Plaintiff, Manufacturers and Traders Trust Company, Trustee for Securitization Series 1998-2, Agreement dated 6-01-98 is a corporation having been organized under the laws of the State of New York and having its principal place of business at One M&T Plaza, Buffalo, New York 14203-2399

(b) The subject loan is being serviced by Fairbanks Capital Corporation itself being a corporation organized under the laws of the State of Utah and having a principal place of business at 3815 Southwest Temple, Salt Lake City, Utah 84115-4412.

2. (a) The Defendant, Michael A. Berg, is an individual whose last known address is 305 Coal Street, Osceola Mills, PA 16666.

(b) The Defendant, Connie L. Berg, is an individual whose last known address is 305 Coal Street, Osceola Mills, PA 16666.

(c) The Defendant, Michael A. Berg, holds an interest in the subject property as both a Real Owner and Mortgagor.

(d) The Defendant, Connie L. Berg, holds an interest in the subject property as both a Real Owner and Mortgagor.

(e) If either of the above named Defendants is deceased, this action shall proceed against the deceased Defendant's heirs, assigns, successors, administrators, personal representatives and/or executors through their estate whether the estate is probated.

3. (a) The residential mortgage being foreclosed upon is secured by property located at 305 Coal Street, address within the Borough of Osceola, Clearfield County, Pennsylvania.

(b) All documents evidencing the residential mortgage have been recorded in the Recorder of Deeds' Office in Clearfield County, Pennsylvania.

(c) The Mortgage was executed on April 15, 1998 and was recorded on April 21, 1998 in Mortgage Book 1925, at Page 247.

(d) The legal description for this parcel is attached and incorporated as Exhibit "A" (Mortgaged Premises).

(e) The herein named Plaintiff has standing to bring the instant action by virtue of Assignments of Mortgage, duly and publicly recorded as below:

Assignor: ContiMortgage Corp.
Assignee: Manufacturers and Traders Company
Recording Date: August 7, 1998
(Assignment) Book: 1957
At Page: 517

(f) By virtue of Pennsylvania Rules of Civil Procedure Rule 1147 (1) and 1019(g), and on the basis of environmental responsibility, Plaintiff is not obliged to append copies of the above mentioned publicly recorded documents to this mortgage foreclosure action.

4. The mortgage is in default because the Defendants above named failed to timely tender the monthly payment of \$514.82 on February 20, 2000, and thereafter failed to make the monthly payments.

5. As authorized under the mortgage instrument, the loan obligation has been accelerated.

6. Plaintiff seeks entry of judgment *in rem* on the following sums:

(a)	Principal balance of mortgage due and owing	\$45,135.84
(b)	Interest due and owing at the rate of 8.85% calculated from the default date above stated through December 31, 2000	3,793.01
	Interest will continue to accrue at the per diem rate of \$10.94 through the date on which judgment <i>in rem</i> is entered in Plaintiff's favor.	
(c)	Late Charges due and owing under the Note in accordance with the Mortgage Instrument	460.48
(d)	Escrow Advances made by Plaintiff Mortgagee on behalf of Defendant mortgage account	281.39
(e)	Corporate Advances made by Plaintiff Mortgagee on behalf of Defendant mortgage account	1,701.95
(f)	Court Costs and fees as recoverable under the mortgage terms, estimated	250.00
(g)	Attorneys' fees Calculated as 5% of the principal balance due, in accordance with the mortgage terms	2,256.79
TOTAL <i>IN REM</i> JUDGMENT SOUGHT BY PLAINTIFF		\$53,879.46

7. (a) The attorneys' fees set forth as recoverable at Paragraph 6(g) are in conformity with Pennsylvania law and the terms of the mortgage, and will be collected in the event of a third-party purchaser at a Sheriff's Sale only.

(b) If the mortgage arrears are to be reinstated or paid-off prior to the Sheriff's Sale, Plaintiff's actual attorneys' fees (calculated at counsel's hourly rate) will be charged based upon work actually performed.

8. (a) The original principal balance of the Mortgage is less than Fifty Thousand (\$50,000.00) Dollars.

(b) Under ACT 6, 41 P.S. §101, et seq., Plaintiff Mortgagee is obliged to serve Notice of its Intention to Accelerate the Mortgage by certified mailing prior to its instituting foreclosure proceedings. The Plaintiff hereunder served said Notice upon the defaulting borrowers on September 26, 2000.

9. (a) The subject mortgage is governed by ACT 91 of 1983 35 P.S. § 1840.401C, et seq..

(b) Under Pennsylvania's ACT 91, Plaintiff Mortgagee is obligated to serve the Defendants with notice of their rights under the "Homeowners Emergency Mortgage Assistance Program", by regular mailing, prior to initiating foreclosure proceedings. The Plaintiff hereunder served said Notice upon the defaulting borrowers on September 26, 2000.

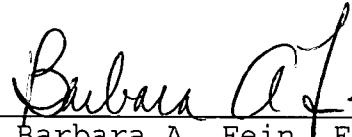
(c) The Defendants have failed to make a timely application for financial assistance with the Pennsylvania Housing Finance Agency.

WHEREFORE, the Plaintiff demands:

- Entry of judgment *in rem* against the Defendants above named in the total amount of \$53,879.46, as stated at Paragraph 6, plus all additional interest and late charges accruing through date of judgment entry; and
- Foreclosure and Sheriff's Sale of the subject mortgaged property.

Respectfully Submitted,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: 
Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

DESCRIPTION OF PREMISES

ALL THAT CERTAIN lot or tract of land situate in the Borough of Osceola, Clearfield County, Pennsylvania, bounded and described as follows;

BEGINNING at a point on Coal Street eighty-three (83) feet northwesterly from a post at the southwest corner of Coal and Stone Streets and

RUNNING in a southwesterly direction along line of lot of Justin Pie fifty (50) feet to line of lot now or formerly belonging to William Quigley;

THENCE in a northwesterly direction and on line parallel with Coal Street sixty-seven (67) feet to a point;

THENCE in a northeasterly direction on a line parallel with Stone Street to Coal Street;

THENCE in a southeasterly direction along Coal Street sixty-seven (67) feet to a point, the place of BEGINNING. Being part of a larger lot of ground known as Lot No. 233 in the general plan of Osceola Borough.



VERIFICATION

The undersigned, an officer of Fairbanks Capital Corp., the instant Plaintiff, or its servicing agent, being authorized to make this Verification on behalf of Plaintiff, hereby verifies that the facts set forth in the foregoing Complaint in Mortgage Foreclosure are taken from the records maintained by persons supervised by the undersigned who maintain the business records of the Mortgage held by Plaintiff in the ordinary course of business and that those facts are true and correct to the best of the knowledge, information and belief of the undersigned.

I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 P.A.C.S. §4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

FOR FAIRBANKS CAPITAL CORP.

Dated: 12/20/00


Name : David Gould
Title : Foreclosure Specialist

bed FILED

bed DEC 26 2000

1/9/2001

William A. Shaw PO
Prothonotary 80.-

2 CERT TO SHERIFF

~~1~~

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10542

MANUFACTURERS AND TRADERS TRUST COMPANY

00-1592-CD

VS.

BERG, MICHAEL A. & CONNIE L.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW JANUARY 11, 2001 AT 2:20 PM EST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON CONNIE L. BERG, DEFENDANT AT 221 E. MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOHN RYEN, ATTORNEY FOR DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: NEVLING

NOW JANUARY 30, 2001 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO MICHAEL A. BERG, DEFENDANT. MOVED TO: 1610 N. DUBLIN ROAD, MIDLAND, MI. 48642-7750.

Return Costs

Cost	Description
56.04	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

FILED

FEB 02 2001
Old 10 pm
William A. Shaw
Prothonotary *ES*

Sworn to Before Me This

2nd Day Of February 2001
William A. Shaw

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co. Clearfield, PA.

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein / I.D. No. 53002
Kristen J. DiPaolo / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
c/o Fairbanks Capital Corp.,
its Loan Servicing Agent
3815 Southwest Temple
Salt Lake City, Utah 84115
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 2000-1592-CN

CIVIL ACTION -- COMPLAINT IN MORTGAGE FORECLOSURE

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(814) 765-2641

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

DEC 26 2000

Attest.

William J. How
Prothonotary

NOTICE REQUIRED UNDER THE FAIR
DEBT COLLECTION PRACTICES ACT,
15 U.S.C. § 1601 (AS AMENDED) AND
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Respectfully Submitted,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein

Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

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RUNNING in a southwesterly direction along line of lot of Justin Pie fifty (50) feet to line of lot now or formerly belonging to William Quigley;

THENCE in a northwesterly direction and on line parallel with Coal Street sixty-seven (67) feet to a point;

THENCE in a northeasterly direction on a line parallel with Stone Street to Coal Street;

THENCE in a southeasterly direction along Coal Street sixty-seven (67) feet to a point, the place of BEGINNING. Being part of a larger lot of ground known as Lot No. 233 in the general plan of Osceola Borough.

EXHIBIT

A

VERIFICATION

The undersigned, an officer of Fairbanks Capital Corp., the instant Plaintiff, or its servicing agent, being authorized to make this Verification on behalf of Plaintiff, hereby verifies that the facts set forth in the foregoing Complaint in Mortgage Foreclosure are taken from the records maintained by persons supervised by the undersigned who maintain the business records of the Mortgage held by Plaintiff in the ordinary course of business and that those facts are true and correct to the best of the knowledge, information and belief of the undersigned.

I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 P.A.C.S. §4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

FOR FAIRBANKS CAPITAL CORP.

Dated: 12/20/00


Name : David Gould
Title : Foreclosure Specialist

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein / I.D. No. 53002
Kristen J. DiPaolo / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

AFFIDAVIT OF SERVICE

I, Sarah Rufe, Paralegal to Barbara A. Fein, Esquire, Attorney for the Plaintiff, Manufacturers and Traders Trust Company, as Trustee, hereby certify that I have served a true and correct copy of the Complaint in Mortgage Foreclosure upon the Defendant, Michael A. Berg ONLY, by certified mail, postage pre-paid, and evidenced by the return receipt executed by the Defendant, Michael A. Berg, originals of which are attached hereto.

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Sarah Rufe, Paralegal to
Barbara A. Fein, Esquire
Attorney for Plaintiff

Sworn to before me this
13th day of February, 2001.


Notary Public

FILED

FEB 15 2001

William A. Shaw
Prothonotary

NOTARIAL SEAL
BARBARA A. FEIN, Notary Public
Fort Washington, Montgomery County
My Commission Expires Jan 18, 2003

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Michael A. Berg
1610 N. Dublin Road
Midland, Michigan
48642-7750

2. Article Number (Copy from service label)

7099 3220 0000 0000 049

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Donna Delong 1/17/01

C. Signature

Donna Delong Agent Addressee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below

Midland, MI 48640

No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

USPS



00-5611 Complaint (SL)

FILED

2001
FEB 15 2001
M 10:30 AM
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
FOR CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
c/o Fairbanks Capital Corp.,
its Loan Servicing Agent
3815 Southwest Temple
Salt Lake City, Utah 84115
Plaintiff,

NO. 00-1592-CD

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter the appearance of the undersigned counsel on
behalf of the Defendant, Connie L. Berg, in the above captioned
matter.

COLAVECCHI, RYAN & COLAVECCHI:

BY: 

John R. Ryan, Esquire
Attorney ID No. 38739
Attorney for Connie L. Berg Only

Dated: 1/11/01

FILED

FEB 26 2001

William A. Shaw
Prothonotary

FILED

FEB 26 2001
M.A.31 NO CC
William A. Shaw
Prothonotary
✓

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein / I.D. No. 53002
Kristen J. DiPaolo / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
c/o Fairbanks Capital Corp.,
its Loan Servicing Agent
3815 Southwest Temple
Salt Lake City, Utah 84115
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

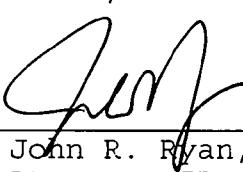
NO. 00-1592-CD

ACKNOWLEDGEMENT OF SERVICE

Service of the Complaint of the Mortgage Foreclosure was acknowledged and accepted this 11th day of JANUARY, 2001, on behalf of the Defendant, Connie L. Berg ONLY, and I acknowledge that I am authorized to accept service on her behalf.

COLAVECCHI, RYAN & COLAVECCHI:

BY:


John R. Ryan, Esquire
Attorney ID No. 38739
Attorney for Connie L. Berg Only

FILED

FEB 26 2001

William A. Shaw
Prothonotary

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein / I.D. No. 53002
Kristen J. DiPaolo / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

CONSENT JUDGMENT IN REM

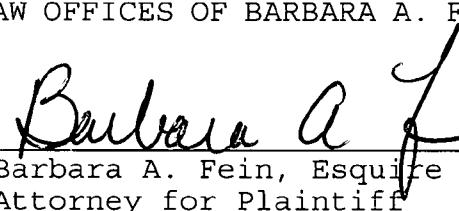
It is hereby stipulated and agreed by and between the Plaintiff, Manufacturers and Traders Trust Company, as Trustee, by and through its counsel of record, The Law Offices of Barbara A. Fein, P.C., Barbara A. Fein, Esquire, and the Defendant, Connie L. Berg ONLY, by and through her counsel of record, Colavecchi, Ryan and Colavecchi, John R. Ryan, Esquire, that *in rem* judgment be entered by the Prothonotary in the above entitled mortgage foreclosure action against the Defendant Connie L. Berg ONLY and in favor of the Plaintiff in the amount of \$57,000.00.

Consented to by:

DATED:

THE LAW OFFICES OF BARBARA A. FEIN, P.C.:

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff

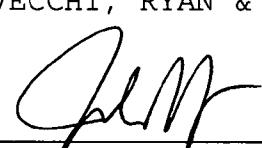
FILED

FEB 26 2001

William A. Shaw
Prothonotary

COLAVECCHI, RYAN & COLAVECCHI:

BY:


John R. Ryan, Esquire
Attorney ID No. 38739
Attorney for Connie L. Berg Only

FILED

Feb 26 2001
10:43 AM
Cath Fein
William A. Shaw
pd. \$20.00
Prothonotary
Statement to Cath Fein

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Manufacturers and Traders Trust Company
Plaintiff(s)

No.: 2000-01592-CD

Real Debt: \$57,000.00

Atty's Comm:

Vs.

Costs: \$

Int. From:

Michael A. Berg
Connie Berg
Defendant(s)

Entry: \$20.00

Instrument: Consent Judgment in Rem

Date of Entry: February 26, 2001

Expires: February 26, 2006

Certified from the record this 26th of February, 2001

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

FILED

MAR 13 2001

William A. Shaw
Prothonotary

PRAECIPE FOR JUDGMENT FOR FAILURE TO ANSWER
AND FOR ASSESSMENT OF DAMAGES

Kindly enter judgment for \$54,656.20 in favor of Plaintiff
Manufacturers and Traders Trust Company, Trustee and against the
Defendant Michael A. Berg ONLY, for failure to file an Answer to
Plaintiff's Complaint in Mortgage Foreclosure within twenty (20)
days from service thereof and assess Plaintiff's damages as follows
and calculated from those set forth in the Complaint.

Principal balance of mortgage	\$45,135.84
Interest due and owing at the rate of 8.85% calculated from the default date above stated through March 12, 2001	4,569.75
Late Charges due and owing under the Note in accordance with the Mortgage Instrument	460.48
Escrow Advances made by Plaintiff Mortgagee on behalf of Defendant mortgage account	281.39
Corporate Advances made by Plaintiff Mortgagee on behalf of Defendant mortgage account	1,701.95
Court Costs and fees	250.00
Attorneys' fees	2,256.79
TOTAL <u>IN REM</u> JUDGMENT TO BE ENTERED	\$54,656.20

TOTAL IN REM JUDGMENT TO BE ENTERED

\$54,656.20

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. F

Barbara A. Fein, Esquire

AND NOW, judgment is entered in favor of the Plaintiff Manufacturers and Traders Trust Company, Trustee and against the Defendant Michael A. Berg ONLY, and damages are assessed as above in the sum of \$54,656.20.

William L. Hines
Pro. Prothonotary

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS TRUST
COMPANY, Trustee for Securitization
Series 1998-2, Agreement dtd 6/1/98,

Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendant(s).

COURT OF COMMON PLEAS

CLEARFIELD

COUNTY

NO. 00-1592-CD

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF UTAH

:

COUNTY OF SALT LAKE

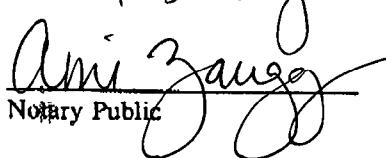
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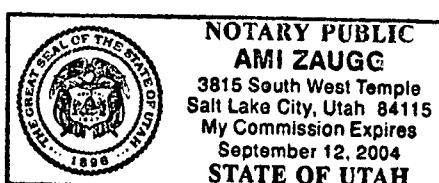
:

THE UNDERSIGNED being duly sworn, deposes and says that the averments herein are based upon investigations made and records maintained by us either as Plaintiff, or as servicing agent of the Plaintiff herein named, and that the above named Defendant(s) is/are not in the Military or Naval Service of the United States of America or its Allies as defined under the Soldiers and Sailors Civil Relief Act of 1940, as amended, and that the age and last known residence and employment of each Defendant as stated under the accompanying page.


NAME: JILL LAURITZEN
TITLE: Foreclosure Specialist
COMPANY: Fairbanks Capital Corp.

Sworn to and subscribed
before me this
day of February 2001.


Notary Public



THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2, Agreement
dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

ADDENDUM TO AFFIDAVIT OF NON-MILITARY SERVICE

Defendant : Michael A. Berg
Age : Over 18
Residence : 1610 N. Dublin Road, Midland, Michigan 48642-7750
Employment : Unknown

Defendant : Connie L. Berg
Age : Over 18
Residence : 305 Coal Street, Osceola Mills, Pennsylvania 16666
Employment : Unknown

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

CERTIFICATION OF MAILING OF NOTICE UNDER PA. RCP RULE 237.1

The undersigned hereby certifies that a written Notice of Intention to File a Praecept for the Entry of Default Judgment was mailed to the Defendant(s) and/or to their legal counsel of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of the Praecept. Said Notice was sent on the date set forth in the appended copy of the Notice, sent as stated.

Dated: February 13, 2001

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. f
Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
NO. 00-1592-CD

NOTICE OF INTENTION TO TAKE DEFAULT UNDER PA. RCP RULE 237.1

IMPORTANT NOTICE

You are in default because you have failed to take action required of you in this case. Unless you act within ten (10) days from the date of this notice as set forth below, 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:

Raymond L. Billotte, Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16380

(814) 765-2641

NOTIFICACION IMPORTANTE

Usted se encuentra en estado de rebeldia por no haber tomado la accion requerida de su parte en este case. Al no tomar la accion debida dentro de un termino de diez (10) dias de la fecha de esta notificacion, el tribuna podra, sin necesidad de compararecer usted in corte o escuchar preuba alguna, dictar sentencia en su contra. Usted puede perder bienes y otros derechos importantes. Debe llevar esta notificacion a un abogado immediatamente. Si usted no tiene abogado o si no tiene dinero suficiente para tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir assitencia legal:

Raymond L. Billotte, Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16380

(814) 765-2641

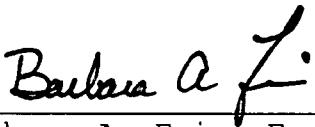
Date of Notice: February 13, 2001

PERSONS SERVED:

Michael A. Berg
1610 N. Dublin Road
Midland, Michigan 48642-7750

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

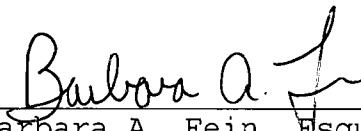
CERTIFICATION OF ADDRESS

I, Barbara A. Fein, Esquire, Attorney for Plaintiff
Manufacturers and Trust Company, Trustee, hereby certify that the
Plaintiff's correct address is One M&T Plaza, Buffalo, New York
14203-2399, and the last known address of the Defendant Michael A.
Berg is as below.

Michael A. Berg
1610 N. Dublin Road
Midland, Michigan 48642-7750

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen J. DiPaolo, Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

CERTIFICATE OF SERVICE

I, Barbara A. Fein, Esquire, Attorney for Plaintiff
Manufacturers and Traders Trust Company, hereby certify that I have
served a true and correct copy of the appended mortgage foreclosure
pleadings/papers upon the following parties at the last known
address and/or upon an attorney of record, as noted:

Michael A. Berg
1610 N. Dublin Road
Midland, Michigan 48642-7750

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Court House
P.O. Box 549
Clearfield, PA 16830

COPY

William A. Shaw, PROTHONOTARY

TO: Michael A. Berg
1610 N. Dublin Road
Midland, Michigan 48642-7750

MANUFACTURERS AND TRADERS
TRUST COMPANY, Trustee for
Securitization Series 1998-2,
Agreement dated 6/01/98,
Plaintiff,

v.

MICHAEL A. BERG and
CONNIE L. BERG,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 00-1592-CD

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 captioned proceeding as indicated below.

WILLIAM A. SHAW, PROTHONOTARY

[XX] Judgment by Default entered

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

BARBARA A. FEIN, ESQUIRE AT (215) 653-7450.

FILED

MAR 13 2001
M 19 B3 Atty Ein pd \$200.00
William A. Shaw
Prothonotary

funny

Not. to D. m. Berg
Statement to Atty Ein

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

Manufacturers and Traders Trust Company
Plaintiff(s)

No.: 2000-01592-CD

Real Debt: \$54,656.20

Atty's Comm:

Vs.

Costs: \$

Int. From:

Michael A. Berg
Connie Berg
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment/Defendant
Michael A. Berg only.

Date of Entry: March 13, 2001

Expires: March 13, 2006

Certified from the record this 13th of March, 2001

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney