

01-282-CD
MANUFACTURERS AND TRADERS TRUST COMPANY "vs" MARTIN KEPPLER

FEDERMAN AND PHELAN, LLP
By: FRANK FEDERMAN, ESQUIRE
IDENTIFICATION NO. 12248
ONE PENN CENTER AT SUBURBAN STATION
1617 JOHN F. KENNEDY BOULEVARD
SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

MANUFACTURERS AND TRADERS TRUST COMPANY,
TRUSTEE FOR SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE M&T PLAZA,
BUFFALO, NY 14203-2399
3815 SOUTHWEST TEMPLE,
SALT LAKE CITY, UT 84115

TERM

Plaintiff
v.

NO. 01-282-CO

CLEARFIELD COUNTY

MARTIN KEPHART,
A/K/A MARTIN CALVIN KEPHART
ROAD 1 BOX 546,
PHILIPSBURG, PA 16866

Defendant(s)

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

**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. **

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.

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

FILED

FEB 27 2001

William A. Shaw
Prothonotary
Loan #. 2002968009

1. Plaintiff is

MANUFACTURERS AND TRADERS TRUST COMPANY,
TRUSTEE FOR SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE M&T PLAZA,
BUFFALO, NY 14203-2399
3815 SOUTHWEST TEMPLE,
SALT LAKE CITY, UT 84115

2. The name(s) and last known address(es) of the Defendant(s) are:

MARTIN KEPHART,
A/K/A MARTIN CALVIN KEPHART
ROAD 1 BOX 546,
PHILIPSBURG, PA 16866

who is/are the mortgagor(s) and real owner(s) of the property hereinafter described.

3. On 6/5/98 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CONTIMORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book No. 1941, Page 182. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 9/10/00 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$50,388.25
Interest	1,570.71
8/10/00 through 12/10/00 (Per Diem \$12.77)	
Attorney's Fees	2,519.00
Cumulative Late Charges 6/5/98 to 12/10/00	257.89
Cost of Suit and Title Search	<u>550.00</u>
Subtotal	\$55,285.85
Escrow	
Credit	0.00
Deficit	<u>0.00</u>
Subtotal	<u>\$ 0.00</u>
TOTAL	\$55,285.85

7. The attorney's fees set forth above are in conformity with the Mortgage documents and Pennsylvania Law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

8. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.00.

9. The Combined Notice has been sent to the Defendant(s) by regular and certified mail as required by 35 P.S. §1680.403c.

10. The Temporary Stay as provided by the Homeowner's Emergency Mortgage Assistance Program, Act 91 of 1983, has terminated because either:

- (i.) Defendant(s) have failed to meet with the Plaintiff or an authorized Credit Counseling Agency in accordance with Plaintiff's written Notice to Defendants; or
- (ii.) Defendant(s) application for assistance has been rejected by the Pennsylvania Housing Finance Agency.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$55,285.85, together with interest from 12/10/00 at the rate of \$12.77 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.


/s/ Frank Federman
FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

ALL that certain lot or parcel of land situate, lying and being in the Village of Hudson, Township of Decatur, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at the intersection of an unnamed road formerly described as an alley on prior deeds and a second unnamed street and extending Northwesterly along the line of said street a distance of one hundred thirty (130') feet to line of lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife; thence Southwesterly along said lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife, a distance of one hundred (100') feet to a point; thence Southeasterly along line of lands of Mary Kadish a distance of one hundred thirty (130') feet to the line of said unnamed road; thence in a Northeasterly direction along the line of said unnamed road a distance of one hundred (100') feet to a street and the place of beginning.

BEING the same premises granted and conveyed unto Calvin A. Kephart, Jr. and Mary Lou Kephart, his wife, by deed of Margaret J. Burchill, et bar, dated May 5, 1986 and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book Volume 1081 at Page 479. Calvin A. Kephart, Jr. having departed this life on March 19, 1993 the property became vested in Mary Lou Kephart by operation of law.

PREMISES: ROAD 1 BOX 546

VERIFICATION

JOHN SHELLEY hereby states that he is FORECLOSURE MANAGER of FAIRBANKS CAPITAL CORPORATION mortgage servicing agent for Plaintiff in this matter, that he is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



DATE: 2/22/01

FILED

FEB 27 2001
O/C (48) Ctr. Edwina
William A. Shaw
Prothonotary
Pd \$80.00

cc Sherry

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10742

MANUFACTURERS AND TRADERS TRUST COMPANY

01-282-CD

VS.

KEPHART, MARTIN a/k/a MARTIN CALVIN KEPHART

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW MARCH 21, 2001 AT 10:25 AM EST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARTIN KEPHART A/K/A MARTIN CALVIN KEPHART, DEFENDANT AT RESIDENCE, RD 1, BOX 546, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY MEYERS, LIVE-IN GIRLFRIEND, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
34.98	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

MAR 28 2001

011:58pm

William A. Shaw
Prothonotary

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

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

FEDERMAN AND PHELAN
By: FRANK FEDERMAN
Identification No. 12248
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

**MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE M&T
PLAZA, BUFFALO, NY 14203-2399
3815 SOUTHWEST TEMPLE
SALT LAKE CITY, UT 84115
Plaintiff**

VS

**MARTIN KEPHART,
A/K/A MARTIN CALVIN KEPHART
ROAD 1 BOX 546
PHILIPSBURG, PA 16866
Defendant(s)**

FILED

MAY 02 2001

William A. Shaw
Prothonotary

PRAEICE FOR JUDGMENT FOR FAILURE TO ANSWER AND ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against **MARTIN KEPHART, A/K/A**
MARTIN CALVIN KEPHART, Defendant(s), for failure to file an Answer to Plaintiff's
Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged
premises, and assess Plaintiff's damages as follows:

As set forth in Complaint	\$55,285.85
Interest 12/10/00 to 4/27/01	<u>\$1,762.26</u>
TOTAL	\$57,048.11

I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) notice has been given in accordance with Rule 237.1, copy attached.

Frank Fed
FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 5/2/01

William

PRO PROTHY

****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. ****

FEDERMAN AND PHELAN, L.L.P.
Frank Federman, Esquire
Identification No. 12248
One Penn Center Plaza at
Suburban Station, Suite 1400
Philadelphia, PA 19103-1799
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE M&T
PLAZA BUFFALO, NY 14203-2399

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: CLEARFIELD COUNTY
: NO. 01-282-CD

vs.
MARTIN KEPHART A/K/A MARTIN
CALVIN KEPHART

Defendant(s)

TO: MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART
ROAD 1 BOX 546
PHILIPSBURG, PA 16866

DATE OF NOTICE: APRIL 11, 2001

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT.
THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE
INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED
FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE
PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS
CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN
ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN
AGAINST PROPERTY.

IMPORTANT NOTICE

You are in default because you have failed 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:

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

Frank Federman, Esquire
Attorney for Plaintiff

FEDERMAN AND PHELAN
By: FRANK FEDERMAN
Identification No. 12248
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

**MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE M&T
PLAZA, BUFFALO, NY 14203-2399
3815 SOUTHWEST TEMPLE
SALT LAKE CITY, UT 84115**

: CLEARFIELD COUNTY
:
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 01-282-CD
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:

**MARTIN KEPHART, A/K/A MARTIN
CALVIN KEPHART
ROAD 1 BOX 546
PHILIPSBURG, PA 16866
Defendant(s)**

CERTIFICATION

FRANK FEDERMAN, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that the premises are not subject to the provisions of Act 91 because it is:

- () an FHA mortgage
- () non-owner occupied
- () vacant
- () Act 91 procedures have been fulfilled

This certification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Frank Federman
FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

FEDERMAN and PHELAN
By: FRANK FEDERMAN
Identification No. 12248
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

**MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-
2399**

: **CLEARFIELD COUNTY**
: **Court of Common Pleas**
: **CIVIL DIVISION**
: **NO. 01-282-CD**

Plaintiff

:
:
:

vs.

**MARTIN KEPHART, A/K/A MARTIN
CALVIN KEPHART**

Defendant(s)

VERIFICATION OF NON-MILITARY SERVICE

FRANK FEDERMAN, ESQUIRE, hereby verifies that he is attorney for the 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 **MARTIN KEPHART, A/K/A MARTIN CALVIN KEPHART** is over 18 years of age and resides at **ROAD 1 BOX 546, PHILIPSBURG, PA 16866.**

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



FRANK FEDERMAN

Attorney for Plaintiff

(Rule of Civil Procedure No. 236 – Revised)

COPIED

**MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-
2399
Plaintiff**

**: CLEARFIELD COUNTY
: Court of Common Pleas
: CIVIL DIVISION
: NO. 01-282-CD**

vs.

**MARTIN KEPHART, A/K/A MARTIN
CALVIN KEPHART
Defendant(s)**

:
:
:

Notice is given that a Judgment in the above captioned matter has been entered against you on
APRIL May 2, 2001.

By _____ 

If you have any questions concerning this matter, please contact:

FRANK FEDERMAN, ESQUIRE
Attorney for Filing Party
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

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RECEIVED A DISCHARGE IN BANKRUPTCY AND THIS DEBT WAS NOT REAFFIRMED, THIS IS NOT
AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY
ENFORCEMENT OF A LIEN AGAINST PROPERTY. ****

FILED

MAY 02 2001
M 1300 (att) Edelman
William A. Shaw
Prothonotary

Pd \$20.00

Notice to D/B/A
Statement to Date
4/21

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

Manufacturers & Traders Trust Co
Plaintiff(s)

COPY

No.: 2001-00282-CD

Real Debt: \$57,048.11

Atty's Comm:

Vs.

Costs: \$

Int. From:

Martin Kephart a/k/a Martin
Calvin Kephart
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: May 2, 2001

Expires: May 2, 2006

Certified from the record this 2nd of May, 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

PRAECIPE FOR WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183

MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-
2399

: CLEARFIELD
:
: COURT OF COMMON
: PLEAS
:
: CIVIL DIVISION
:
:

Plaintiff

: NO. 01-282-CD

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART
RD 1, BOX 546
PHILIPSBURG, PA 16866

:
:
:
:
:
:

Defendant(s)

TO THE DIRECTOR OF THE PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due \$ 57,048.11

Interest from \$ _____ and Costs
4/27/01 to (sale date)
(per diem - \$9.38)

164.98 PAID TO PROTHONOTARY

Frank Federman

FRANK FEDERMAN, ESQUIRE
ONE PENN CENTER AT SUBURBAN STATION
SUITE 1400
PHILADELPHIA, PA 19103
Attorney for Plaintiff

Note: Please attach description of property.

FILED

MAY 04 2001

0/320/lws

William A. Shaw

Prothonotary

EW

PD 20-1

6 WRTS TO SUR

No. 01-282-CD Term
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR SECURITIZATION
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-2399

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

PRAECLYPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff

Address: RD 1, BOX 546, PHILIPSBURG, PA 16866
Where papers may be served.

ALL that certain lot or parcel of land situate, lying and being in the Village of Hudson, Township of Decatur, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at the intersection of an unnamed road formerly described as an alley on prior deeds and a second unnamed street and extending Northwesterly along the line of said street a distance of one hundred thirty (130') feet to line of lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife; thence Southwesterly along said lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife, a distance of one hundred (100') feet to a point; thence Southeasterly along line of lands of Mary Kadish a distance of one hundred thirty (130') feet to the line of said unnamed road; thence in a Northeasterly direction along the line of said unnamed road a distance of one hundred (100') feet to a street and the place of beginning.

BEING the same premises granted and conveyed unto Calvin A. Kephart, Jr. and Mary Lou Kephart, his wife, by deed of Margaret J. Burchill, et al, dated May 5, 1986 and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book Volume 1081 at Page 479. Calvin A. Kephart, Jr. having departed this life on March 19, 1993 the property became vested in Mary Lou Kephart by operation of law.

PREMISES: ROAD 1 BOX 546

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
P.R.C.P. 3180 TO 3183 AND Rule 3257

MANUFACTURERS AND TRADERS : CLEARFIELD
TRUST COMPANY, TRUSTEE FOR :
SECURITIZATION SERIES 1998-3, : COURT OF COMMON
AGREEMENT DATED 9/1/98 ONE : PLEAS
M&T PLAZA, BUFFALO, NY 14203- :
2399 : CIVIL DIVISION

Plaintiff :
vs. : NO. 01-282-CD

MARTIN KEPHART :
A/K/A MARTIN CALVIN KEPHART :
RD 1, BOX 546 :
PHILIPSBURG, PA 16866 :
Defendant(s)

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs in the above matter, you are directed to levy upon and sell the following described property (specifically described property below):

Premises RD 1, BOX 546, PHILIPSBURG, PA 16866
(see attached legal description)

Amount Due	\$ 57,048.11
Interest from 4/27/01 to (sale date) (per diem - \$9.38)	\$ _____
Total	\$ _____ Plus Costs as endorsed. 164.98 PAID TO PROTHONOTARY

Clerk
Office of Prothonotary
Common Pleas Court of
CLEARFIELD County, PA

Dated: _____
(Seal)

No. 01-282-CD Term

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR SECURITIZATION
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-2399

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Office of the Prothonotary

Judg. Fee

Cr.

Sat.

Frank Tellerman

Attorney for Plaintiff

Address: RD 1, BOX 546, PHILIPSBURG, PA 16866
Where papers may be served.

ALL that certain lot or parcel of land situate, lying and being in the Village of Hudson, Township of Decatur, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

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BEING the same premises granted and conveyed unto Calvin A. Kephart, Jr. and Mary Lou Kephart, his wife, by deed of Margaret J. Burchill, et al, dated May 5, 1986 and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book Volume 1081 at Page 479. Calvin A. Kephart, Jr. having departed this life on March 19, 1993 the property became vested in Mary Lou Kephart by operation of law.

PREMISES: ROAD 1 BOX 546

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
P.R.C.P. 3180 TO 3183 AND Rule 3257

MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-
2399

: CLEARFIELD
: :
: COURT OF COMMON
: PLEAS
: :
: CIVIL DIVISION

Plaintiff

: : NO. 01-282-CD

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART
RD 1, BOX 546
PHILIPSBURG, PA 16866

Defendant(s)

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs in the above matter, you are directed to levy upon and sell the following described property (specifically described property below):

Premises RD 1, BOX 546, PHILIPSBURG, PA 16866
(see attached legal description)

Amount Due \$ 57,048.11

Interest from \$ _____
4/27/01 to (sale date)
(per diem - \$9.38)

Total \$. . . Plus Costs as endorsed.

194.98 PAID TO PROTHONOTARY

Wolff
Clerk
Office of Prothonotary
Common Pleas Court of
CLEARFIELD County, PA

Dated: May 4, 2001
(Seal)

No. 01-282-CD Term

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR SECURITIZATION
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-2399

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Office of the Prothonotary

Judg. Fee

Cr.

Sat.

Bonnie Tedmon
Attorney for Plaintiff

Address: RD 1, BOX 546, PHILIPSBURG, PA 16866
Where papers may be served.

ALL that certain lot or parcel of land situate, lying and being in the Village of Hudson, Township of Decatur, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

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BEING the same premises granted and conveyed unto Calvin A. Kephart, Jr. and Mary Lou Kephart, his wife, by deed of Margaret J. Burchill, et al, dated May 5, 1986 and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book Volume 1081 at Page 479, Calvin A. Kephart, Jr. having departed this life on March 19, 1993 the property became vested in Mary Lou Kephart by operation of law.

PREMISES: ROAD 1 BOX 546

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11004

MANUFACTURERS AND TRADERS ET AL

01-282-CD

VS.

KEPHART, MARTIN

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

**NOW, JUNE 18, 2001, RECEIVED PHONE CALL FROM PLAINTIFFS ATTORNEY
THAT DEFENDANTS HAVE FILED BANKRUPTCY, WRIT IS TO BE RETURNED.**

**NOW, JUNE 21, 2001, RECEIVED FAX FROM PLAINTIFF'S ATTORNEY THAT
DEFENDANT FILED BANKRUPTCY AND WRIT IS TO BE RETURNED.**

FILED

**NOW, JUNE 21, 2001, RETURN WRIT AS NO SALE HELD AS DEFENDANT
HAS FILED BANKRUPTCY. PAID COSTS FROM ADVANCE AND MADE
REFUND OF UNUSED ADVANCE TO THE ATTORNEY.**

**SHERIFF HAWKINS \$29.00
SURCHARGE 20.00
PAID BY ATTORNEY**

JUN 22 2001

09532

**William A. Shaw
Prothonotary**

gpk

Sworn to Before Me This

22nd Day Of June 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
by Margaret W. Pott*
**Chester A. Hawkins
Sheriff**

FEDERMAN AND PHELAN, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy
Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
Main Fax 215-563-5534
Greg.Wilkins@fedphe-pa.com

Gregory Wilkins
Legal Assistant, Ext. 1256

Representing Lenders in
Pennsylvania and New Jersey

June 8, 2001

Office of the Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

ATTENTION: PEGGY (814) 765-5915

Re: MANUFACTURERS AND TRADERS TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE M&T
PLAZA, BUFFALO, NY 14203-2399
v. MARTIN KEPHART, A/K/A MARTIN CALVIN KEPHART
No. 01-282 CD
Premises: RD 1 BOX 546, PHILIPSBURG, PA 16866

Dear Peggy:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled
for AUGUST 3, 2001.

The Defendant(s) filed a Chapter 7 on 5/25/01 at 01-25640 BM.

No funds were received in consideration for the stay.

Please return the original writ of execution to the Prothonotary as soon as possible.

Very truly yours,

Gregory Wilkins

cc: FAIRBANKS CAPITAL CORP.
FileNo. 2062968009

COP

PRAECIPE FOR WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183

MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-
2399

: CLEARFIELD
:
: COURT OF COMMON
: PLEAS
:
: CIVIL DIVISION

Plaintiff : NO. 01-282-CD

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART
RD 1, BOX 546
PHILIPSBURG, PA 16866

:
:
:
:
:

Defendant(s)

TO THE DIRECTOR OF THE PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due \$ 57,048.11

Interest from \$ _____ and Costs
4/27/01 to (sale date)
(per diem - \$9.38)

Frank Federman
FRANK FEDERMAN, ESQUIRE
ONE PENN CENTER AT SUBURBAN STATION
SUITE 1400
PHILADELPHIA, PA 19103
Attorney for Plaintiff

Note: Please attach description of property.

FILED
SEP 07 2001
William A. Shaw
Prothonotary

No. 01-282-CD Term

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR SECURITIZATION
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-2399

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Frank Federman
Attorney for Plaintiff

Address: RD 1, BOX 546, PHILIPSBURG, PA 16866
Where papers may be served.

ALL THAT CERTAIN lot or parcel of land situate, lying and being in the Village of Hudson, Township of Decatur, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at the intersection of an unnamed road formerly described as an alley on prior deeds and a second unnamed street and extending Northwesterly along the line of said street a distance of one hundred thirty (130') feet to line of lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife; thence Southwesterly along said lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife, a distance of one hundred (100') feet to a point; thence Southeasterly along line of lands of Mary Kadish a distance of one hundred thirty (130') feet to the line of said unnamed road; thence in a Northeasterly direction along the line of said unnamed road a distance of one hundred (100') feet to a street and the place of beginning.

TAX PARCEL #P12-692-00039

TITLE TO SAID PREMISES IS VESTED IN Martin Calvin Kephart, an adult individual by Deed from Mary Lou Kephart dated 8/26/1994, recorded 9/1/1994, in Record Book 1629, Page 105.

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Martin Calvin Kephart

Debtor

Fairbanks Capital Corporation, as
Servicer for the Mortgagee of Record

Movant

v.

Martin Calvin Kephart

and

Lisa M. Swope, Esquire (Trustee)

Respondent

: Bk. No. 01-25640-BM

: Chapter No. 7

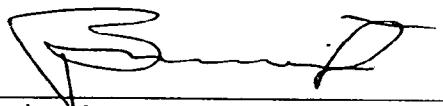
: Motion No.

01 - 4007 M

ORDER MODIFYING SECTION 362 AUTOMATIC STAY

AND NOW, this 31st day of July, 2001, at Pittsburgh, upon Motion of Fairbanks Capital Corporation, as Servicer for the Mortgagee of Record (Petitioner), it is

ORDERED THAT: The Automatic Stay of all proceedings, as provided under Section 362 of the Bankruptcy Reform Act of 1979 (The Code), 11 U.S.C. 362 is modified with respect to premises RD 1 Box 546, Philipsburg, PA 16866, as to allow the Petitioner to foreclose on its mortgage and allow the purchaser of said premises at Sheriff's Sale (or purchaser's assignee) to take any legal action for enforcement of its right to possession of said premises.


United States Bankruptcy Judge

cc: Judith T. Romano, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814

FILED

JUL 31 2001

Lisa M. Swope, Esquire (Trustee)
219 South Center Street, P.O. Box 270
Ebensburg, PA 15931

CLERK, U.S. BANKRUPTCY COURT
WEST DIST OF PENNSYLVANIA

R. Denning Gearhart, Esquire
215 E. Locust Street
Clearfield, PA 16830

Martin Calvin Kephart
R.R. 1, Box 546
Philipsburg, PA 16866

File # 447 pd. 20.00

SEP 12 1937

Le wants w/ property
desc. to Shff

William A. Shaw
Prothonotary

1cc practice to Shff

8/28

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
P.R.C.P. 3180 TO 3183 AND Rule 3257

COPY

MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-
2399

: CLEARFIELD
:
: COURT OF COMMON
: PLEAS
:
: CIVIL DIVISION
:
: NO. 01-282-CD

Plaintiff

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART
RD 1, BOX 546
PHILIPSBURG, PA 16866

:
:
:
:
:
:

Defendant(s)

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs in the above matter, you are directed to levy upon and sell the following described property (specifically described property below):

Premises: RD 1, BOX 546, PHILIPSBURG, PA 16866
(see attached legal description)

Amount Due	\$ 57,048.11
Interest from 4/27/01 to (sale date) (per diem - \$9.38)	\$ _____
Prothonotary Costs	\$ 140.00
Total	\$ _____

Plus Costs as endorsed.

Clerk
Office of Prothonotary
Common Pleas Court of
CLEARFIELD County, PA

Dated: _____
(Seal)

No. 01-282-CD Term

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR SECURITIZATION
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-2399

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

W^RIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Office of the Prothonotary

Judg. Fee

Cr.

Sat.

Frank Tedesco
Attorney for Plaintiff

Address: RD 1, BOX 546, PHILIPSBURG, PA 16866
Where papers may be served.

ALL THAT CERTAIN lot or parcel of land situate, lying and being in the Village of Hudson, Township of Decatur, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at the intersection of an unnamed road formerly described as an alley on prior deeds and a second unnamed street and extending Northwesterly along the line of said street a distance of one hundred thirty (130') feet to line of lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife; thence Southwesterly along said lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife, a distance of one hundred (100') feet to a point; thence Southeasterly along line of lands of Mary Kadish a distance of one hundred thirty (130') feet to the line of said unnamed road; thence in a Northeasterly direction along the line of said unnamed road a distance of one hundred (100') feet to a street and the place of beginning.

TAX PARCEL #P12-692-00039

TITLE TO SAID PREMISES IS VESTED IN Martin Calvin Kephart, an adult individual by Deed from Mary Lou Kephart dated 8/26/1994, recorded 9/1/1994, in Record Book 1629, Page 105.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

**MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR SECURITIZATION
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-2399**

Plaintiff) CIVIL DIVISION
vs.)
)
MARTIN KEPHART)
K/A MARTIN CALVIN KEPHART) NO. 01-282-CD
Defendant(s))

AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1

MANUFACTURERS AND TRADERS TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE M&T PLAZA,
BUFFALO, NY 14203-2399, Plaintiff in the above action, sets forth as of the date the Praeclipe for
the Writ of Execution was filed the following information concerning the real property located at
RD 1, BOX 546, PHILIPSBURG, PA 16866.

FILED

NOV 05 2001

1. Name and address of owner(s) or reputed owner (s):

William A. Shaw
Prothonotary

**MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART**

**RD 1, BOX 546
PHILIPSBURG, PA 16866**

2. Name and address of defendant(s) in the judgment.

SAME AS ABOVE

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:

NONE

4. Name and address of the last recorded holder of every mortgage of record:

Name	Address (if address cannot be reasonably ascertained, please so indicate)
CITYFINANCIAL	1341 S. ATHERTON STREET STATE COLLEGE, PA 16801

5. Name and address of every other person who has any record lien on the property:

Name	Address (if address cannot be reasonably ascertained, please so indicate)
NONE	

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:

Name	Address (if address cannot be reasonably ascertained, please so indicate)
CLEARFIELD COUNTY DOMESTIC RELATIONS DEPARTMENT	CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830
DECATUR TOWNSHIP	RRI, BOX 587 OSCELOA MILLS, PA 16666

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Name	Address (if address cannot be reasonably ascertained, please so indicate)
TENANT/OCCUPANT	RD 1, BOX 546 PHILIPSBURG, PA 16866
COMMONWEALTH OF PENNSYLVANIA	DEPT OF WELFARE P.O. BOX 2675 HARRISBURG, PA 17105

(Attach separate sheet if more space is needed)

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. #4904 relating to unsworn falsification to authorities.

November 1, 2001
Date


FRANK FEDERMAN, ESQ.
Attorney for Plaintiff

FILED
NOV 17 2007
05 2007
cc

William A. Shaw
Prothonotary

61
601

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

RE: MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE M&T PLAZA,
BUFFALO, NY 14203-2399) CIVIL ACTION
)

VS.

MARTIN KEPHART,
A/K/A MARTIN CALVIN KEPHART) CIVIL DIVISION
) NO. 01 282 CD

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

I, FRANK FEDERMAN, ESQUIRE attorney for MANUFACTURERS AND
TRADERS TRUST COMPANY, TRUSTEE FOR SECURITIZATION SERIES
1998-3, AGREEMENT DATED 9/1/98 ONE M&T PLAZA, BUFFALO, NY 14203-

2399 hereby verify that on OCTOBER 15, 2001 and NOVEMBER 1, 2001 true and correct copies of the Notice of Sheriff's sale were served by certificate of mailing to the recorded lienholders, and any known interested party see Exhibit "A" attached hereto.

Notice of Sale was sent to the Defendant(s) on OCTOBER 15, 2001 by certified mail
return receipt requested see Exhibit "B" attached hereto.

DATE: November 14, 2001

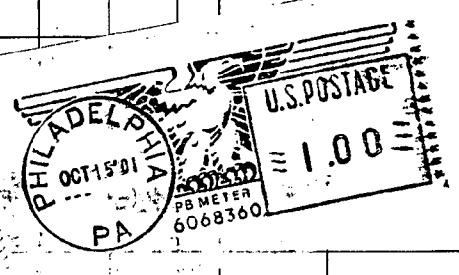
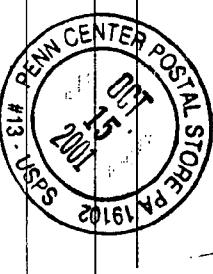
FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

NOV 19 2001
M/1:451/m
William A. Shaw
Prothonotary
NO CERT (cont)

o Name and
Address
of Sender

FEDERMAN & PHELAN
ONE PENN CENTER, SUBURBAN STATION, SUITE 1400
PHILADELPHIA, PA 19102

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	GMW	TENANT/OCCUPANT RD 1, BOX 546 PHILIPSBURG, PA 16866		
2		COMMONWEALTH OF PA DEPT OF WELFARE P.O. BOX 2675 HARRISBURG, PA 17105		
3		CLEARFIELD COUNTY DOMESTIC RELATIONS DEPARTMENT CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
4		CITY FINANCIAL 1341 S. AHERTON STREET STATE COLLEGE, PA 16801		
5				
6				
7				
8				
9				
10				
11		KEPHART		
Total Number of Pieces Listed by Sender		Postmaster, Per (Name of Receiving Employee)		

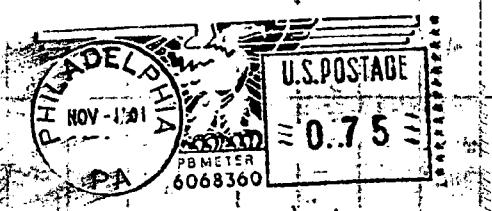


TEAM 2

Name and
Address
of Sender

FEDERMAN & PHELAN
One Penn Center at Suburban, Suite 1400
Philadelphia, PA 19103

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	****	DECATUR TOWNSHIP R.R. BOX 587 OSCEOLA MILLS, PA 16666		
2	****			
3	****			
4	****			
5				
6	****			
7	****			
8	****			
9	****			
10	****			
11	****			
12	****			
13	****			
14				
15		RE: KEPHART	GMW	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	
1				



TEAM #2

7106 4575 1294 4117 4053

TO: MARTIN KEPHART,
A/K/A MARTIN CALVIN KEPHART
RD 1, BOX 546
PHILIPSBURG, PA 16866

SENDER: TEAM 2

REFERENCE: KEPHART

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	.34
	Certified Fee	2.10
	Return Receipt Fee	1.50
	Restricted Delivery	3.20
	Total Postage & Fees	7.14

US Postal Service

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
P.R.C.P. 3180 TO 3183 AND Rule 3257

**MANUFACTURERS AND TRADERS
TRUST COMPANY, TRUSTEE FOR
SECURITIZATION SERIES 1998-3,
AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-
2399**

: CLEARFIELD
:
: COURT OF COMMON
: PLEAS
:
: CIVIL DIVISION
:
: NO. 01-282-CD

VS.

**MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART
RD 1, BOX 546
PHILIPSBURG, PA 16866**

Defendant(s)

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

To satisfy the judgment, interest and costs in the above matter, you are directed to levy upon and sell the following described property (specifically described property below):

Premises: RD 1, BOX 546, PHILIPSBURG, PA 16866
(see attached legal description)

Amount Due	\$ 57,048.11
Interest from 4/27/01 to (sale date) (per diem - \$9.38)	\$ _____
Prothonotary costs	\$ 140.00
Total	\$ 57,188.11

Plus Costs as endorsed.

RECEIVED SEP 7 2001

④ 3:00 PM

by Margaret H. Pitt

**Clerk
Office of Prothonotary
Common Pleas Court of
CLEARFIELD County, PA**

Dated: 9/7/01
(Seal)

No. 01-282-CD Term

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST
COMPANY, TRUSTEE FOR SECURITIZATION
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE
M&T PLAZA, BUFFALO, NY 14203-2399

vs.

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Office of the Prothonotary

Judg. Fee

Cr.

Sat.

Frank F. Pearson

Attorney for Plaintiff

Address: RD 1, BOX 546, PHILIPSBURG, PA 16866

Where papers may be served.

ALL THAT CERTAIN lot or parcel of land situate, lying and being in the Village of Hudson, Township of Decatur, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

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TAX PARCEL #P12-692-00039

TITLE TO SAID PREMISES IS VESTED IN Martin Calvin Kephart, an adult individual by Deed from Mary Lou Kephart dated 8/26/1994, recorded 9/1/1994, in Record Book 1629, Page 105.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11489

MANUFACTURERS AND TRADERS ET AL

01-282-CD

VS.
KEPHART, MARTIN

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, OCTOER 4, 2001, AT 10:35 AM O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANT. PROPERTY WAS POSTED THIS DATE. THE HOUSE IS EMPTY AND DEFENDANT LIVES IN CENTRE COUNTY.

A SALE IS SET FOR FRIDAY, DECEMBER 7, 2001, AT 10:00 AM O'CLOCK.

NOW, OCTOBER 5, 2001, CALLED GREG AT FEDERMAN & PHELAN FOR A CHECK FOR THE SHERIFF OF CENTRE COUNTY TO SERVE DEFENDANT.

NOW, OCTOBER 5, 2001, CALLED GREG AT FEDERMAN & PHELAN FOR A CHECK FOR THE SHERIFF OF CENTRE COUNTY TO SERVE DEFENDANT. ALSO, THE SALE DATE WILL NEED TO CHANGED SO DEFENDANT CAN BE SERVED IN TIME. NEW SALE DATE IS SET FOR FRIDAY, DECEMBER 7, 2001, AT 10:00 AM O'CLOCK.

NOW, OCTOBER 10, 2001, RECEIVED ATTORNEY CHECK #15882 FOR THE SHERIFF OF CENTRE COUNTY.

NOW, OCTOBER 10, 2001, SHERIFF DENNY NAU OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY ON MARTIN KEPHART, A/K/A MARTIN CALVIN KEPHART, DEFENDANT.

NOW, OCTOBER 30, 2001, SERVED THE WITHIN WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY ON MARTIN KEPHART, A/K/A MARTIN CALVIN KEPHART, DEFENDANT, BY DEPUTIZING THE SHERIFF OF CENTRE COUNTY. THE RETURN OF SHERIFF NAU IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11489

MANUFACTURERS AND TRADERS ET AL

01-282-CD

VS.

KEPHART, MARTIN

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, NOVEMBER 14, 2001, CALLED CENTRE COUNTY AND LEARNED THAT CORRINE SENT RETURN OF SERVICE TO FEDERMAN AND PHELAN, WILL FAX A COPY TO THIS OFFICE.

NOW, NOVEMBER 14, 2001, CALLED GREG AT FEDERMAN AND PHELAN AND ASKED HIM TO SEND THE ORIGINAL RETURN OF SERVICE TO THIS OFFICE.

NOW, NOVEMBER 14, 2001, RECEIVED A FAX FROM CORRINE OF CENTRE COUNTY SHERIFF'S OFFICE OF RETURN OF SERVICE ON DEFENDANT.

NOW, NOVEMBER 19, 2001, RECEIVED ORIGINAL RETURN OF SERVICE FROM FEDERMAN AND PHELAN.

NOW, DECEMBER 7, 2001, A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANT. PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR ONE (\$1.00) DOLLAR PLUS COSTS.

NOW, DECEMBER 10, 2001, BILLED ATTORNEY FOR COSTS DUE ON SALE.

NOW, JANUARY 16, 2002, SENT SECOND BILL TO ATTORNEY FOR COSTS DUE ON SALE.

NOW, FEBRUARY 6, 2002, RECEIVED ATTORNEY CHECK #180165 IN THE AMOUNT OF THREE THOUSAND EIGHTY HUNDRED THIRTY-FIVE DOLLARS AND ELEVEN CENTS (\$3,835.11) FOR COSTS DUE ON SALE.

NOW, FEBRUARY 7, 2002, RETURN WRIT AS A SALE BEING HELD WITH THE PLAINTIFF PURCHASING THE PROPERTY FOR ONE (\$1.00) DOLLAR PLUS COSTS. PAID COSTS FROM ADVANCE WITH PLAINTIFF PAYING REMAINING COSTS. DEED WAS FILED THIS DATE.

In The Court of Common Pleas of Clearfield County, Pennsylvania

MANUFACTURERS AND TRADERS ET AL

Sheriff Docket # 11489

VS.

KEPHART, MARTIN

01-282-CD

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

SHERIFF HAWKINS \$231.88

SURCHARGE \$ 20.00

PAID BY PLAINTIFF

Sworn to Before Me This

7th Day Of FEB, 2002

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester Hawkins
by Maryann N. Pitt
Chester A. Hawkins
Sheriff

FILED

FEB 07 2002
11:30 AM
William A. Shaw
Prothonotary PP
5.00
EKA



**Sheriff's Office
Clearfield County**

AFTER 4:00 P.M. (814) 765-1533

CLEARFIELD COUNTY FAX
(814) 765-5915

CHESTER A. HAWKINS
SHERIFF

SUITE 116
1 NORTH SECOND STREET - COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

MARGARET PUTT
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST COMPANY
TRUSTEE FOR SECURITIZATION SERIES 1998-3, NO. 01-282-CD
AGREEMENT DATED 9/1/98 ONE M&T PLAZA,
VS NY 14203-2399

**ACTION: WRIT OF EXECUTION, NOTICE OF SALE
AND COPY OF LEVY**

MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

SERVE BY: NOVEMBER 2, 2001

or

HEARING DATE:

SERVE: MARTIN KEPHART
A/K/A MARTIN CALVIN KEPHART

ADDRESS: 120 WINDSER STREET
CURTIS PARK
PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS,
HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby
deputize the SHERIFF of CENTRE County to execute this writ.

This deputation being made at the request and risk of the plaintiff
this 10th day of OCTOBER 2001.

COPY

Respectfully,
Chester A. Hawkins
by Margaret W. Putt
CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

MAKE REFUND PAYABLE TO:

Security enhanced document. See back for details.

DENNY NAU, SHERIFF
CENTRE COUNTY
COURT HOUSE
BELLFONTE, PA 16823

PAY
TO THE
ORDER OF Federman & Phelan

Twenty



32572

60-295/313
4408

DATE November 5 2001

\$ 20.50

50/100

DOLLARS 

VOID AFTER 90 DAYS
SHERIFF OF CENTRE COUNTY

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

	Manufacturers & Traders Trust Co.	
	VS	
	Martin Kephart	
Pg.	1812-AA	01-282-CD

10 0 3 2 5 7 2 10 0 3 1 3 0 2 9 5 5 10 5 0 4 9 9 1 3 6 10

Federman & Phelan
Clearfield County Sheriff
1 North Second Street
Courthouse
Clearfield, Pa 16830
Filed 9-7-01

Manufacturers & Traders Trust Co.

VS

Martin Kephart a/k/a Martin Calvin Kephart

county Exec.

01-282-CD

Out of

10-12-01 rec'd check # 32572 to Federman & Phelan in the amount of
11-5-01 issued check # 32572 to Federman & Phelan in the amount of

75.00
(20.50)

Sold by INR FORM H 367 E800565

DEFENDANT SERVED: Martin Kephart by handing to personally

DATE & TIME SERVED: 10-30-01 at 5:55 PM

WHERE SERVED: 120 Winder St. Curtis Park Phillipsburg Pa

PAPERS SERVED BY: LM

Sheriffs cost included in Nov. 2001 settlement

✓ (54.50)
-0-

R.P. 10/21/01

DEFENDANT SERVED:

DATE & TIME SERVED:

WHERE SERVED:

PAPERS SERVED BY:

DEFENDANT SERVED:

DATE & TIME SERVED:

WHERE SERVED:

DADEDE SERVED BY

SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN		INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.
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1. Plaintiff(s)	<u>Manufactures and TRADERS TRUST Company Trustee for SECURITIZATION SERIES 1998-3</u>	
3. Defendant(s)	<u>Martin Kochert A/k/a Martin Calvin Kochert</u>	
SERVE → AT	5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. <u>Martin Kochert</u>	
	6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) <u>180 Windsor St. Curtis Park, Philadelphia, Pa 16866</u>	
7. Indicate unusual service:	<input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other	

Now, 20 I SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN – Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator	10. Telephone Number	11. Date
12. Signature		

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized CCSO Deputy of Clerk and Title	14. Date Filed	15. Expiration/Hearing Date
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TO BE COMPLETED BY SHERIFF

16. Served and made known to Marty Kochert, on the 30 day of Oct, 2001, at 5:55 o'clock, P m., at SAME AS ABOVE ADDRESS, County of Centre

Commonwealth of Pennsylvania, in the manner described below:

Defendant(s) personally served.

- Adult family member with whom said Defendant(s) resides(s). Relationship is _____
- Adult in charge of Defendant's residence.
- Manager/Clerk of place of lodging in which Defendant(s) resides(s).
- Agent or person in charge of Defendant's office or usual place of business.
- _____ and officer of said Defendant company.
- Other _____

On the _____ day of _____, 20_____, at _____ o'clock, _____ M.

Defendant not found because:

- Moved Unknown No Answer Vacant Other _____

Remarks:

Advance Costs <u>75.00</u>	Docket <u>9.00</u>	Service <u>9.00</u>	Sur Charge <u>—</u>	Affidavit <u>2.50</u>	Mileage <u>31.50</u>	Postage <u>.50</u>	Misc. <u>2.00</u>	Total Costs <u>54.50</u>	Costs Due or Refund <u>20.50</u>
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17. AFFIRMED and Subscribed to before me this 5

20. day of Nov. 20 01

23. Corinne Peters
Notary Public

Notarial Seal
Corinne Peters, Notary Public

My Commission Expires Sept. 3, 2003

My Commission Expires Sept. 3, 2003
OF MARCH 12, 2001, AND MY
Member, Pennsylvania Association of Notaries

18. Signature of Dep. Sheriff
Taylor Miller

19. Date
10/31/01

20. Signature of Sheriff
Taylor Miller

22. Date

SHERIFF OF CENTRE COUNTY

Amount Pd. _____ Page _____

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF Corinne Peters, Notary Public

25. Date Received

ENTITY VENDOR
FAP Sheriff of Clearfield County [SCLEA]

CHECK DATE
2/5/2002

CHECK NO.
180165

DOC NO	APPLY TO	DATE	INVOICE	APPLY TO INVOICE	DOC AMOUNT	DISCOUNT	PAYMENT AMOUNT
180165 173086		02/05/02	2062968009	KEPHART, MARTIN	3,835.11	0.00	3,835.11

FEDERMAN & PHELAN
ATTORNEY ESCROW ACCOUNT
ONE PENN CENTER, SUITE 1400

PHILADELPHIA, PA 19103-1814

3,835.11

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

FEDERMAN & PHELAN
ATTORNEY ESCROW ACCOUNT
ONE PENN CENTER, SUITE 1400
PHILADELPHIA, PA 19103-1814

COMMERCE BANK
PHILADELPHIA, PA 19148

3-180165

CHECK NO
180165

Pay THREE THOUSAND EIGHT HUNDRED THIRTY FIVE AND 11/100 DOLLARS

Void after 90 days

To The
Order
Of
Sheriff of Clearfield County
1 North Second Street
Clearfield, PA 16830

DRM	DATE	AMOUNT
	02-05-2002	2/5/2002 ******3,835.11

Frank Federman

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

180165 036001808136 150866 6

REAL ESTATE SALE

NOW, DECEMBER 10, 2001 by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting forth the date, time and place of sale at the Court House in Clearfield on the 7th day of DECEMBER 2001, I exposed the within described real estate of MARTIN KEPHART, A/K/A MARTIN CALVIN KEPHART

to public venue or outcry at which time and place I sold the same to MANUFACTURERS AND TRADERS TRUST COMPANY,
TRUSTEE FOR SECURITIZATION SERIES 1998-B he/she being the highest bidder, for the sum of \$ 1.00 + COSTS
and made the following appropriations, viz.:

SHERIFF COSTS:

RDR	\$	15.00
SERVICE		15.00
MILEAGE		10.40
LEVY		15.00
MILEAGE		10.40
POSTING		15.00

DEBT & INTEREST:

DEBT-AMOUNT DUE \$ 57,048.11
INTEREST FROM 4-27-01 TO SALE DATE
TO BE ADDED

TOTAL DEBT & INTEREST \$57,048.11

CSDS	10.00	
COMMISSION 2%		
POSTAGE	4.08	
HANDBILLS	15.00	
DISTRIBUTION	25.00	
ADVERTISING	15.00	
ADD'L SERVICE		
DEED	30.00	
ADD'L POSTING		
ADD'L MILEAGE		
ADD'L LEVY		
BID AMOUNT	1.00	
RETURNS/DEPUTIZE	9.00	
COPIES / BILLING	7.00 +	15.00
BILLING - PHONE - FAX		20.00
TOTAL SHERIFF COSTS	\$	231.88

COSTS:

ATTORNEY FEES		
PROTH. SATISFACTION		
ADVERTISING	\$	231.54
LATE CHARGES & FEES		
TAXES-Collector	\$	
TAXES-Tax Claim	\$	3,459.44
COSTS OF SUIT-To Be Added		
LIST OF LIENS AND MORTGAGE SEARCH	\$	140.00
FORCLOSURE FEES		
ACKNOWLEDGEMENT	\$	5.00
DEED COSTS	\$	15.50
ATTORNEY COMMISSION		
SHERIFF COSTS	\$	231.88
LEGAL JOURNAL AD	\$	81.00
REFUND OF ADVANCE		

DEED COSTS:

REGISTER & RECORDER
ACKNOWLEDGEMENT
TRANSFER TAX 2%

TOTAL COSTS \$ 4,830.11

TOTAL DEED COSTS \$ 20.50

TOTAL COSTS \$ 4,830.11

DISTRIBUTION WILL BE MADE IN ACCORDANCE

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN TEN (10) DAYS FROM THIS DATE.

10
Chester A. Hawkins, Sheriff