

01-282-0D  
MANUFACTURERS AND TRADERS TRUST COMPANY -vs- MARTIN KEPLHART

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. 01-282-00

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 # 2062968009

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	257.89
6/5/98 to 12/10/00	
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>
<b>TOTAL</b>	<b>\$55,285.85</b>

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:

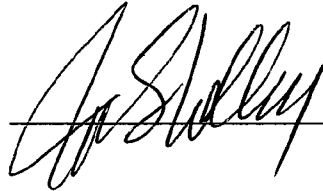
**BEGINNING** at the intersection of an unnamed road formerly described as an alley on prior deeds and a second unnamed street and extending Northwesterly along the line of said street a distance of one hundred thirty (130') feet to line of lands formerly of Enoch G. Gearhart and Nan Gearhart, his wife; 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.

A handwritten signature in black ink, appearing to read "John Shelley", is written over a horizontal line.

DATE: 2/22/01

FILED

FEB 27 2001

William A. Shaw/  
Prothonotary

Edwards  
Pd \$80.00  
Kc Shultz

**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

01:58pm  
William A. Shaw  
Prothonotary

Sworn to Before Me This

28th Day Of March 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 *Mary Meyers*  
Chester A. Hawkins  
Sheriff



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)

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

FILED

MAY 02 2001

William A. Shaw  
Prothonotary

**PRAECIPE 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 FEDERMAN, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 5/2/01

  
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  
Plaintiff**

vs.

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


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

**Plaintiff**

vs.

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

**Defendant(s)**

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

**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

COPY

(Rule of Civil Procedure No. 236 – Revised)

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

vs.

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

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

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

By \_\_\_\_\_ ~~TERRELL~~

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

**\*\*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 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

M131061GTH } Federman  
William A. Shaw  
Prothonotary

PD \$30.00

Notice to DJ  
& Statement to DJ  
\$21

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

Manufacturers & Traders Trust Co  
Plaintiff(s)

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

COPY

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

Plaintiff

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

\$\_\_\_\_\_ and Costs

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  
01320/6  
William A. Shaw  
Prothonotary

6 writs TO SHAW



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:

  
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 Northwesterly 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

**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**

**Plaintiff**

**vs.**

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

**Defendant(s)**

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

**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.

  
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 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

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.

  
Attorney for Plaintiff

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

Where papers may be served.

15  
**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



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 IT TO BE RETURNED.

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

FILED

JUN 22 2001

019532  
William A. Shaw  
Prothonotary

RET

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 H. Puth  
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:

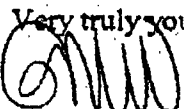
Please STAY the Sheriff's Sale of the above referenced property, which is scheduled  
for AUGUST 3, 2001.

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.  
File No. 2052968009

COPY

**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**

**Plaintiff**

**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  
4/27/01 to (sale date)  
(per diem - \$9.38)

\$ \_\_\_\_\_ and Costs



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

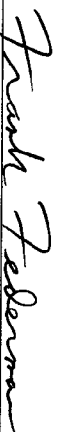
MANUFACTURERS AND TRADERS TRUST  
COMPANY, TRUSTEE FOR SECURITIZATION  
SERIES 1998-3, AGREEMENT DATED 9/1/98 ONE  
M&T PLAZA, BUFFALO, NY 14203-2399

vs.

MARTIN KEPHART  
A/K/A MARTIN CALVIN KEPHART

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

  
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

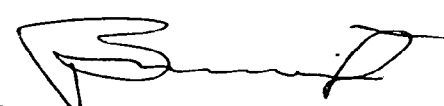
Chapter No. 7

Motion No. 01 - 4007 M

ORDER MODIFYING SECTION 362 AUTOMATIC STAY

AND NOW, this 31<sup>st</sup> 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

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

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

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

**FILED**

JUL 31 2001

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

FILED

Aug pd. 20.00

SEP 07 2001

le wants w/ property

William A. Shary

descr. to Staff

Prothonotary

1 cc prescribe to Staff

*[Signature]*

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

Plaintiff

vs.

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

Defendant(s)

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

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

WRIT OF EXECUTION  
(Mortgage Foreclosure)


Costs

Office of the Prothonotary

Judg. Fee

Cr.

Sat.

  
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

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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

vs.

MARTIN KEPHART  
A/K/A MARTIN CALVIN KEPHART

Defendant(s)

)  
)  
) CIVIL DIVISION  
)  
)  
) NO. 01-282-CD  
)

**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 Praeipe 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

William A. Shaw  
Prothonotary

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

Name

Address (if address cannot be reasonably  
ascertained, please so indicate)

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:

Name

Address (if address cannot be reasonably  
ascertained, please so indicate)

**SAME AS ABOVE**

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

Name

Address (if address cannot be reasonably  
ascertained, please so indicate)

**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  
m 11:17  
NOV 05 2001  
No cc  
William A. Shaw  
Prothonotary  
E1  
KES

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

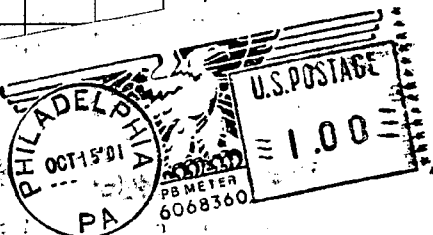
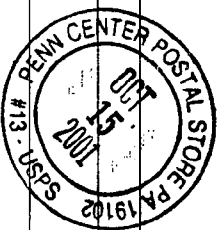
NOV 19 2001  
M/1:45/1m  
William A. Shaw  
Prothonotary  
NO CENT COIN

oName 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		CITYFINANCIAL 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



**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 RRL, BOX 587 OSCELOA MILLS, PA 16666		
2	****			
3	****			
4	****			
5				
6	****			
7	****			
8	****			
9	****			
10	****			
11	****			
12	****			
13	****			
14				
15		RE: <b>KEPHART</b>		<b>GMW</b>
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

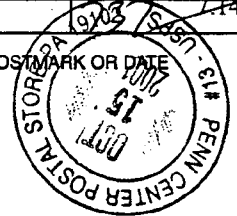
RETURN RECEIPT SERVICE	Postage	.34
	Certified Fee	2.10
	Return Receipt Fee	1.50
	Restricted Delivery	3.20
	Total Postage & Fees	7.14

US Postal Service

**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do Not Use for International Mail

POSTMARK OR DATE



**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**

**Plaintiff**

**vs.**

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

**Defendant(s)**

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

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.

RECEIVED SEP 7 2001

@ 3:00 PM

*Chester A. Hankins  
by Margaret H. Pitt*

*William J. [Signature]*

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 Federman*  
Attorney for Plaintiff

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

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TAX PARCEL #P12-692-00039

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**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, OCTOBER 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

Sheriff Docket # 11489

MANUFACTURERS AND TRADERS ET AL

01-282-CD

VS.

KEPHART, MARTIN

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

SHERIFF HAWKINS \$231.88

SURCHARGE \$ 20.00

PAID BY PLAINTIFF

Sworn to Before Me This

7<sup>th</sup> Day Of Feb 2002  
*William A. Shaw*

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

So Answers,

*Chester A. Hawkins*  
by Margaret W. Pitt  
Chester A. Hawkins  
Sheriff

FILED

FEB 07 2002

0 / 11:30 / us  
William A. Shaw  
Prothonotary PP

*REP*

5.00



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

MARGARET PUTT  
OFFICE MANAGER

MARILYN HAMM  
DEPT. CLERK

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 H. 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  
BELLEFONTE, PA 16823



32572

60-295/313  
4408

DATE November 5 2001

PAY TO THE ORDER OF Federman & Phelan

\$ 20.50

Twenty

50/100 DOLLARS

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

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

VOID AFTER 90 DAYS  
SHERIFF OF CENTRE COUNTY

⑈032572⑈ ⑆031302955⑆ 504 99136⑈

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.

10-12-01 rec'd check from Federman & Phelan in the amount of 75.00  
11-5-01 Issued check # 32572 to Federman & Phelan in the amount of (20.50)

DEFENDANT SERVED: Martin Kephart by handing to personally  
DATE & TIME SERVED: 10-30-01 at 5:55 PM  
WHERE SERVED: 120 Windsor St. Curtis Park Phillipsburg Pa  
PAPERS SERVED BY: JLV

Sheriff's cost included in Nov. 2001 settlement

(54.50)  
-0-

Sold by IMR FORM M 347 EB00565

[REDACTED]

[REDACTED]

R.D. W/1921  
10-2-1-01

COPY

DEFENDANT SERVED: [REDACTED]  
DATE & TIME SERVED: [REDACTED]  
WHERE SERVED: [REDACTED]  
PAPERS SERVED BY: [REDACTED]  
DEFENDANT SERVED: [REDACTED]  
DATE & TIME SERVED: [REDACTED]  
WHERE SERVED: [REDACTED]  
PAPERS SERVED BY: [REDACTED]

# 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.	
1. Plaintiff(s) <u>Manufactures AND TRADERS TRUST COMPANY</u> <u>Trustee for SECURITIZATION SERIES 1998-3</u>		2. Case Number <u>01-2P2-CD</u>	
3. Defendant(s) <u>Martin Kephart AKA Martin Calvin Kephart</u>		4. Type of Writ or Complaint: <u>EXECUTION,</u> <u>NOTICE OF SALE AND COPY</u> <u>OF LEVY</u>	
SERVE → AT	5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. <u>Martin Kephart</u>		
	6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) <u>120 Windsor St. Curtis Park, Philipsburg, 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, <u>20</u> I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize 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 CCSD Deputy of Clerk and Title			14. Date Filed		15. Expiration/Hearing Date		
TO BE COMPLETED BY SHERIFF									
16. Served and made known to <u>Marty Kephart</u> , on the <u>30</u> day of <u>Oct</u> , <u>20</u> <u>01</u> , at <u>5:55</u> o'clock, <u>P</u> m., at <u>SAME AS ABOVE ADDRESS</u> , County of Centre Commonwealth of Pennsylvania, in the manner described below: <input checked="" type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is _____ <input type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____									
On the _____ day of _____, 20____, at _____ o'clock, _____ M. Defendant not found because: <input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____									
Remarks:									
Advance Costs	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
75.00	9.00	9.00	—	2.50	31.50	.50	2.00	54.50	20.50
17. AFFIRMED and subscribed to before me this <u>5</u> <u>20</u> day of <u>Nov</u> , 20 <u>01</u> <u>Caranne Peters</u> Notary Public				So Answer. 18. Signature of Dep. Sheriff <u>[Signature]</u> 19. Date <u>10/31/01</u> 20. Signature of Sheriff <u>[Signature]</u> 21. Date _____ SHERIFF OF CENTRE COUNTY Amount Pd. _____ Page _____					
My Commission Expires <u>10/31/03</u> 24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF Member, Pennsylvania Association of Notaries				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		3,835.11	0.00	3,835.11
KEPHART, MARTIN							
FEDERMAN & PHELAN							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

**3-180/360**

CHECK NO  
180165

DATE	AMOUNT
2/5/2002	*****3,835.11

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

**Void after 90 days**

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

Frank Federman

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

11 180165 11 103600 1808136 150866 611

REAL ESTATE SALE

# REAL ESTATE SALE SCHEDULE OF DISTRIBUTION

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- 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
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
<b>TOTAL SHERIFF COSTS</b>	<b>\$</b>	<b>231.88</b>

## DEED COSTS:

REGISTER & RECORDER	\$	15.50
ACKNOWLEDGEMENT	****	5.00
TRANSFER TAX 2%	-----	
<b>TOTAL DEED COSTS</b>	<b>\$</b>	<b>20.50</b>

## DEBT & INTEREST:

DEBT-AMOUNT DUE	\$ 57,048.11
INTEREST FROM 4-27-01 TO SALE DATE TO BE ADDED	
<b>TOTAL DEBT &amp; INTEREST</b>	<b>\$57,048.11</b>

## 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	
REFUND OF SURCHARGE	
PROTHONOTARY	\$ 140.00
DECATUR TOWNSHIP - MUNICIPAL LIEN	\$525.75

<b>TOTAL COSTS</b>	<b>\$ 4,830.11</b>
--------------------	--------------------

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

Chester A. Hawkins, Sheriff