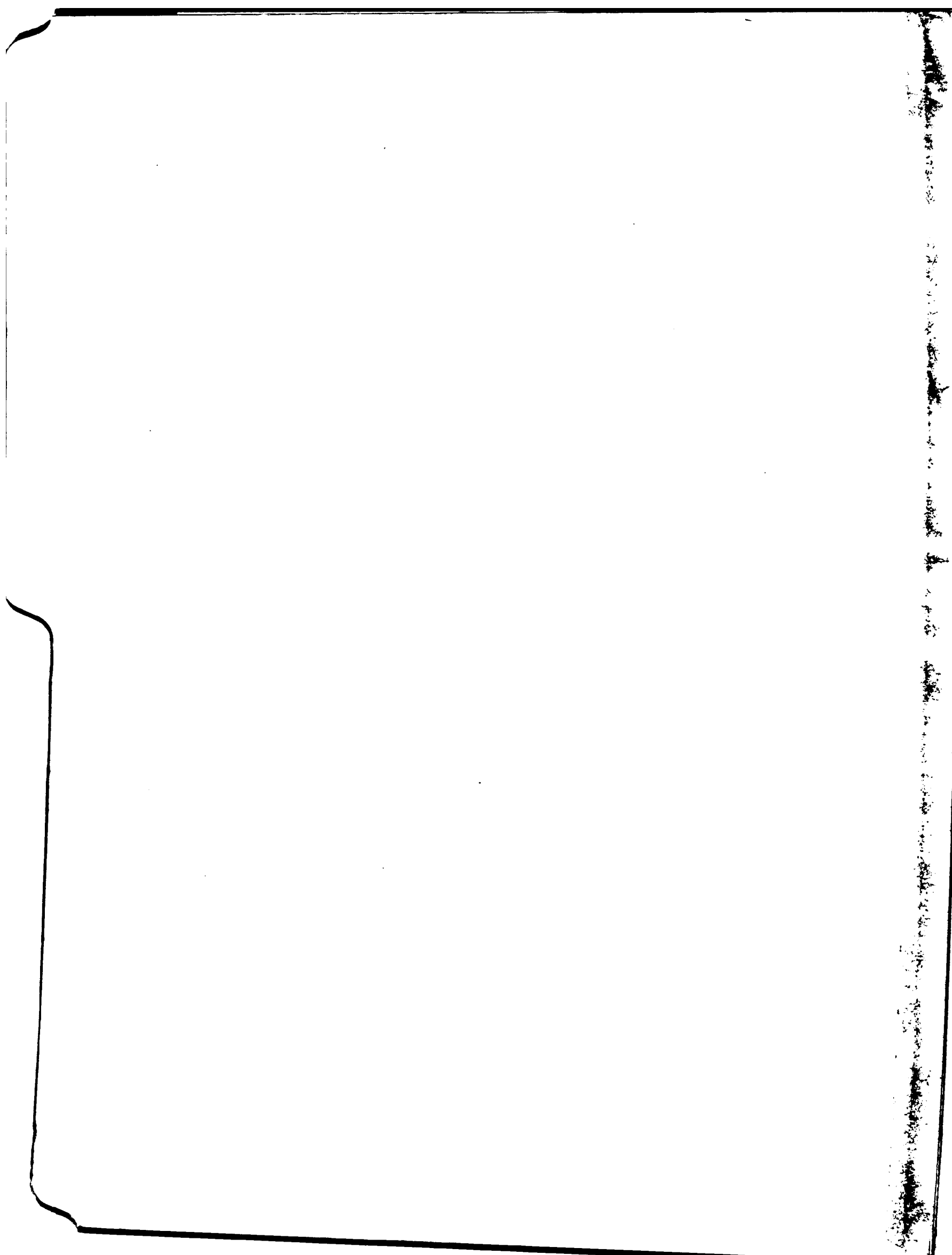


U-327-UU

BANK ONE NATIONAL ASSOCIATION -vs- MICHAEL E. WARHOLIC.



MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered Holders of Delta  
Funding Home Equity Loan  
Asset-Backed Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681  
Defendant(s)

NO. 01-355-CD

**FILED**

MAR 12 2001

William A. Shaw  
Prothonotary

COMPLAINT IN MORTGAGE FORECLOSURE

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.

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

## **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se dafiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375**

## **NOTICE**

**The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.**

**If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.**

**This law firm is deemed to be a debt collector and this Notice and the attached document is an attempt to collect a debt, and any information obtained will be used for that purpose.**

**LAW OFFICES OF MARK J. UDREN  
/s/ Mark J. Udren, Esquire  
1040 N. Kings Highway, Suite 500  
Cherry Hill, NJ 08034  
(856) 482-6900**

1. Plaintiff is the Corporation designated as such in the caption on a preceding page. If Plaintiff is an assignee then it is such by virtue of the following recorded assignments:

Assignor: Delta Funding Corporation

Assignee: Bank One National Association, as Trustee in Trust, for Registered Holders of Delta Funding Home Equity Loan Asset-Backed Certificates, Series 1999-3, c/o Delta Funding Corporation, as Servicing Agent

Recording Date: **LODGED FOR RECORDING** Book: Page:

2. Defendant(s) is the individual designated as such on the caption on a preceding page, whose last known address is as set forth in the caption, and unless designated otherwise, is the real owner(s) and mortgagor(s) of the premises being foreclosed.

3. On or about the date appearing on the Mortgage hereinafter described, at the instance and request of Defendant(s), Plaintiff (or its predecessor, hereinafter called Plaintiff) loaned to the Defendant(s) the sum appearing on said Mortgage, which Mortgage was executed and delivered to Plaintiff as security for the indebtedness. Said Mortgage is incorporated herein by reference in accordance with P.A.R.C.P. 1019 (g).

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: Box #41 (3rd Avenue)  
MUNICIPALITY/TOWNSHIP/BOROUGH: Township of Beccaria  
COUNTY: Clearfield  
DATE EXECUTED: 6/19/99  
DATE RECORDED: 6/28/99 INSTRUMENT NO.: 199910648

The legal description of the mortgaged premises is attached hereto and made part hereof.

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums

secured by said Mortgage, together with other charges authorized by said Mortgage itemized below, shall be immediately due.

5. After demand, the Defendant(s) continues to fail or refuses to comply with the terms of the Note as follows:

(a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;

(b) by failing or refusing to pay other charges, if any, indicated below.


6. The following amounts are due on the said Mortgage as of 3/7/01:

Principal of debt due and unpaid	\$16,878.36
Interest at 10.05% from 8/24/00 to 3/7/01 (the per diem interest accruing on this debt is \$4.71 and that sum should be added each day after 3/7/01)	923.16
Title Report	250.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Escrow Overdraft/(Balance) (The monthly escrow on this account is \$72.00 and that sum should be added on the twenty-fourth of each month after 3/7/01)	152.70
Late Charges (monthly late charge of \$9.43 should be added fifteen calendar days after the date it is due each month after 3/7/01)	47.15
Corporate Advance	224.95
Attorneys Fees (anticipated and actual to 5% of principal)	843.92
TOTAL	\$19,600.24

7. The attorney's fee 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 in accordance with the reduction provisions of Act 6, if applicable.

8. The combined notice specified by the Pennsylvania Homeowner's Emergency Mortgage Assistance Program, Act 91 of 1983 and Notice of Intention to Foreclose under Act 6 of 1974 has been sent to each defendant, via certified and regular mail, in accordance with the requirements of those acts, on the date appearing on the copy attached hereto as Exhibit "A", and made part hereof, and defendant(s) have failed to proceed within the time limits, or have been determined ineligible, or Plaintiff has not been notified in a timely manner of Defendant(s) eligibility.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$19,240.12 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.



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Mark J. Udren, ESQUIRE  
MARK J. UDREN & ASSOCIATES  
Attorney for Plaintiff  
Attorney I.D. No. 04302

**ALL** those four (4) certain lots or pieces of ground situated in the Village of Smoke Run, County of Clearfield and State of Pennsylvania, Township of Beccarla, bounded and described as follows:

**THE FIRST THEREOF: BEING** known as Lot No. 10 in Block "S" in the plot of the said Village of Smoke Run, and beginning at a post on Third Avenue and running Southeast, two hundred and eighty (280') feet, more or less, to an alley; thence Northwest, fifty (50') feet along the street, which borders on P. R. R. right of way on Muddy Run Branch; thence Northwest along said Lot No. 9, two hundred eighty (280') feet, more or less, to Third Avenue; thence South West along said Third Avenue, fifty (50') feet, to place of beginning.

**THE SECOND THEREOF: BEGINNING** at the corner of Lot No. 10 on Third Avenue and thence South along Third Avenue, twenty-five (25') feet; thence East two hundred eighty-three (283') feet, more or less, to a street along the Muddy Run Branch Railroad right of way (without a name); thence along said nameless street, twenty-five (25') feet, to Lot No. 10, and thence along said Lot No. 10 two hundred and eighty-three (283') feet, more or less, to place of beginning, and being one-half of Lot No. 11 in Block "S" in the plot of the Village of Smoke Run.

**THE THIRD THEREOF: ALL** that certain piece or parcel of land situated in the Village of Smoke Run, in the Township of Beccarla aforesaid, and erroneously assessed in Bigler Township. Beginning at a post at other land of former Grantor, on the South side of Muddy Run Branch of Pennsylvania Railroad and thirty-three (33') feet from center line thereof, and running along said Railroad, thirty-three (33') feet from center line thereof, in a Northerly course, by a six (6) degree curve, two hundred ten (210') feet to a post; thence continuing along same Railroad, and thirty-three (33') feet from center line North four (4) degrees six (6) minutes West five hundred nineteen (519') feet to a post thirty-three (33') feet from center line of said Railroad; thence along Southern bank of Muddy Run its various courses, seven hundred fifty (750') feet to a post at land of former Grantor; thence by said land North eighty-two (82) degrees, thirty (30) minutes West forty-five (45') feet to a post and place of beginning.

**THE FOURTH THEREOF: BEGINNING** at a corner on the North side of Seventh Street and running North one hundred fifty (150') feet to an alley, fifty (50') feet to Lot No. 8; thence South along said Lot No. 8 one hundred fifty (150') feet to Seventh Street; thence West along Seventh Street fifty (50') feet, to place of beginning and known as Lot No. 9, Block L.I.

**EXCEPTING AND RESERVING FOREVER**, all the coal and other minerals underlying the above described premises, with the full and free right to dig, mine and carry away the same, from all claim or claims for damages, as reserved in the original deed for the premises from D. K. Ramay and wife to Morgan Lewis, which deed is dated April 19, 1895 and recorded in Clearfield County in Deed Book No. 89, at Page 221. Reference thereunto being had will more fully and at large appear.

**BEING** Parcel #101-K15-499-5.

**BEING** the same premises conveyed to Michael E. Warholc and Patricia Ann Warholc, his wife, by the deed of George L. Donner and Claudia E. Donner, his wife, dated November 27, 1992 and recorded December 2, 1992 in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Volume 1500, page 326.

**THE purpose** of this deed is to convey all interest of Patricia Ann Warholc to Michael E. Warholc.

Date:11/27/00

# ACT 91 NOTICE TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

This is an official notice that the mortgage on your home is in default, and the lender intends to foreclose. Specific information about the nature of the default is provided in the attached pages.

The HOMEOWNER'S MORTGAGE ASSISTANCE PROGRAM (HEMAP) may be able to help to save your home. This Notice explains how the program works.

To see if HEMAP can help, you must MEET WITH A CONSUMER CREDIT COUNSELING AGENCY WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Take this Notice with you when you meet with the Counseling Agency.

The name, address and phone number of Consumer Credit Counseling Agencies serving your County are listed at the end of this Notice. If you have any questions, you may call the Pennsylvania Housing Finance Agency toll free at 1-800-342-2397. (Persons with impaired hearing can call (717) 780-1869).

This Notice contains important legal information. If you have any questions, representatives at the Consumer Credit Counseling Agency may be able to help explain it. You may also want to contact an attorney in your area. The local bar association may be able to help you find a lawyer.

LA NOTIFICACION EN ADJUNTO ES DE SUMA IMPORTANCIA, PUES AFECTA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO COMPRENDE EL CONTENIDO DE ESTA NOTIFICACION OBTENGA UNA TRADUCCION INMEDITAMENTE LLAMANDO ESTA AGENCIA (PENNSYLVANIA HOUSING FINANCE AGENCY) SIN CARGOS AL NUMERO MENCIONADO ARRIBA. PUEDES SER ELEGIBLE PARA UN PRESTAMO POR EL PROGRAMA LLAMADO "HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM" EL CUAL PUEDE SALVAR SU CASA DE LA PERDIDA DEL DERECHO A REDIMIR SU HIPOTECA.

HOMEOWNER'S NAME(S): Michael E. Warholle

PROPERTY ADDRESS: Box # 41 (3rd Avenue)  
Smoke Run, PA 16681

LOAN ACCT. NO.: 3710031653

ORIGINAL LENDER:

CURRENT LENDER/SERVICER: DELTA FUNDING CORPORATION

EXHIBIT A

**HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM**  
**YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE WHICH CAN SAVE YOUR HOME**  
**FROM FORECLOSURE AND HELP YOU MAKE FUTURE MORTGAGE PAYMENTS**

**IF YOU COMPLY WITH THE PROVISIONS OF THE HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE ACT OF 1983 (THE "ACT"), YOU MAY BE ELIGIBLE FOR EMERGENCY MORTGAGE ASSISTANCE:**

**IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL,**

**IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR MORTGAGE PAYMENTS, AND**

**IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY.**

**TEMPORARY STAY OF FORECLOSURE** -- Under the Act, you are entitled to a temporary stay of foreclosure on your mortgage for thirty (30) days from the date of this Notice. During that time you must arrange and attend a "face-to-face" meeting with one of the consumer credit counseling agencies listed at the end of this Notice. **THIS MEETING MUST OCCUR WITHIN THE NEXT (30) DAYS. IF YOU DO NOT APPLY FOR EMERGENCY MORTGAGE ASSISTANCE, YOU MUST BRING YOUR MORTGAGE UP TO DATE. THE PART OF THIS NOTICE CALLED "HOW TO CURE YOUR MORTGAGE DEFAULT", EXPLAINS HOW TO BRING YOUR MORTGAGE UP TO DATE.**

**CONSUMER CREDIT COUNSELING AGENCIES** -- If you meet with one of the consumer credit counseling agency listed at the end of this notice, the lender may NOT take action against you for thirty (30) days after the date of this meeting. The names, addresses and telephone numbers of designated consumer credit counseling agencies for the county in which the property is located are set forth at the end of this Notice. It is only necessary to schedule one face-to-face meeting. Advise your lender immediately of your intentions.

**APPLICATION FOR MORTGAGE ASSISTANCE** -- Your mortgage is in default for the reasons set forth later in this Notice (see following pages for specific information about the nature of your default.) If you have tried and are unable to resolve this problem with the lender, you have the right to apply for financial assistance from the Homeowner's Emergency Mortgage Assistance Program. To do so, you must fill out, sign and file a completed Homeowner's Emergency Assistance Program Application with one of the designated consumer credit counseling agencies listed at the end of this Notice. Only consumer credit counseling agencies have applications for the program and they will assist you in submitting a complete application to the Pennsylvania Housing Finance Agency. Your application MUST be filed or postmarked within thirty (30) days of your face-to-face meeting.

**YOU MUST FILE YOUR APPLICATION PROMPTLY. IF YOU FAIL TO DO SO OR IF YOU DO NOT FOLLOW THE OTHER TIME PERIODS SET FORTH IN THIS LETTER, FORECLOSURE MAY PROCEED AGAINST YOUR HOME IMMEDIATELY AND YOUR APPLICATION FOR MORTGAGE ASSISTANCE WILL BE DENIED.**

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**AGENCY ACTION** -- Available funds for emergency mortgage assistance are very limited. They will be disbursed by the Agency under the eligibility criteria established by the Act. The Pennsylvania Housing Finance Agency has sixty (60) days to make a decision after it receives your application. During that time, no foreclosure proceedings will be pursued against you if you have met the time requirements set forth above. You will be notified directly by the Pennsylvania Housing Finance Agency of its decision on your application.

**NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT.**

(If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)

**HOW TO CURE YOUR MORTGAGE DEFAULT (Bring it up to date).**

**NATURE OF THE DEFAULT** --The MORTGAGE debt held by the above lender on your property located at: Box # 41 (3rd Avenue) Smoke Run, PA 16681 3710031653

IS SERIOUSLY IN DEFAULT because:

YOU HAVE NOT MADE MONTHLY MORTGAGE PAYMENTS for the following months and the following amounts are now past due:

9/24/2000	\$188.60
10/24/2000	\$188.60
11/24/2000	\$188.60

Other charges (explain/itemize):

Corporate Advances:	\$9.95
Fee Bills:	\$0.00
Escrow Payments Advanced by Servicer:	\$85.20
Late Charges Due:	\$18.86
Late Charges Deferred:	\$0.00
NSF Charges Due:	\$0.00
NSF Charges Deferred:	\$0.00
<b>TOTAL AMOUNT PAST DUE:</b>	<b>\$594.61</b>

**B. YOU HAVE FAILED TO TAKE THE FOLLOWING ACTION (Do not use if not applicable):**

**HOW TO CURE THE DEFAULT** --You may cure the default within THIRTY (30) DAYS of the date of this notice BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH \$594.61, PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to:

**IF YOU DO NOT CURE THE DEFAULT** --If you do not cure the default within THIRTY (30) DAYS of the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you

may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.

**IF THE MORTGAGE IS FORECLOSED UPON** -- The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before the lender begins legal proceedings against you, you will still be required to pay the reasonable attorney's fees that were actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay all reasonable attorney's fees actually incurred by the lender even if they exceed \$50.00. Any attorney's fees will be added to the amount you owe the lender, which may also include other reasonable costs. If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney's fees.

**OTHER LENDER REMEDIES** -- The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

**RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE** -- If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount then past due, plus any late or other charges then due, reasonable attorney's fees and costs connected with the foreclosure sale and any other costs connected with the Sheriff's Sale as specified in writing by the lender and by performing any other requirements under the mortgage. Curing your default in the manner set forth in this notice will restore your mortgage to the same position as if you had never defaulted.

**EARLIEST POSSIBLE SHERIFF'S SALE DATE** -- It is estimated that the earliest date that such a Sheriff's Sale of the mortgaged property could be held would be approximately six (6) months from the date of this Notice. A notice of the actual date of the Sheriff's Sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment or action will be by contacting the lender.

**HOW TO CONTACT THE LENDER:**

**Name of Lender:** Delta Funding Corporation  
**Address:** 1000 Woodbury Road, Woodbury, NY 11797  
**Phone Number:** 1-877-343-9898  
**Fax Number:** 1-516-393-8336  
**Contact Person:** Barry Bent

**EFFECT OF SHERIFF'S SALE** -- You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff's Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the lender at any time.

---

**ASSUMPTION OF MORTGAGE** -- You \_\_\_\_ may or XX may not (CHECK ONE) sell or transfer your home to a buyer or transferee who will assume the mortgage debt, provided that all the outstanding payments, charges and attorney's fees and costs are paid prior to or at the sale and that the other requirements of the mortgage are satisfied.

**YOU MAY ALSO HAVE THE RIGHT:**

TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.

TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)

TO ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS,

TO ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE LENDER.

TO SEEK PROTECTION UNDER THE FEDERAL BANKRUPTCY LAW.

---

V E R I F I C A T I O N

Mark J. Udren, Esquire, hereby states that he is the attorney for the Plaintiff, a corporation unless designated otherwise; that he is authorized to take this Verification and does so because of the exigencies regarding this matter, and because Plaintiff must verify much of the information through agents, and because he has personal knowledge of some of the facts averred in the foregoing pleading; and that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief and the source of his information is public records and reports of Plaintiff's agents. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



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Mark J. Udren, ESQUIRE  
MARK J. UDREN & ASSOCIATES

**FILED**  
MAR 12 2001  
William A. Shaw  
Prothonotary

4th & P'd,  
80.00  
1 CC Sh. ff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10784

BANK ONE NATIONAL ASSOCIATION

01-355-CD

VS.

WARHOLIC, MICHAEL E.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW MARCH 14, 2001 AT 9:50 AM EST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL E. WARHOLIC, DEFENDANT AT THE CLEARFIELD CO. JAIL, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHAEL E. WARHOLIC A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: RYEN

Return Costs

Cost Description

19.00 SHFF. HAWKINS PAID BY: ATTY.

10.00 SURCHARGE PAID BY: ATTY.

FILED

MAR 14 2001

012152 pm  
William A. Shaw  
Prothonotary

Sworn to Before Me This

14th Day Of March 2001



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

So Answers,



Chester A. Hawkins  
Sheriff

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

Plaintiff

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 01-355-CD

FILED

JUL 03 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 the 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	\$19,600.24
Interest	405.06
From 3/08/01 to 6/01/01	
Late charges per Complaint	28.29
From 3/15/01 to 6/01/01	
Escrow payment per Complaint	216.00
From 3/24/01 to 6/01/01	

TOTAL \$20,249.59

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

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 7/3/01

PRO PROTHY

**MARK J. UDREN & ASSOCIATES**  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

**ATTORNEY FOR PLAINTIFF**

Bank One National Association, as  
Trustee in Trust, for Registered  
Holders of Delta Funding Home Equity  
Loan Asset-Backed Certificates,  
Series 1999-3, c/o Delta Funding  
Corporation, as Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Defendant(s)

NO. 01-355-CD

DATED: April 6, 2001  
TO: Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN 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.

LAWYER REFERRAL SERVICE  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

**NOTIFICACION IMPORTANTE**

USTED SE ENCUENTRA EN ESTADO DE REBELDIA POR NO HABER TOMADO LA ACCION REQUIRIDA DE SU PARTE EN ESTE CASO. AL NO TOMAR LA ACCION DEBIDA DENTRO DE UN TERMINO DE DIEZ (10) DIAS DE ESTA NOTIFICACION, EL TRIBUNAL PODRA, SIN NECESIDAD DE COMPARARECER USTED EN CORTE O ESCUCHAR PREUBA ALGUNA, DICTAR SENTENCIA EN SU CONTRA, USTED PUEDE PERDER BIENES Y OTROS DERECHOS, IMPORTANTES. DEBE LLEVAR ESTA NOTIFICACION A UN ABOGADO INMEDIATAMENTE SI USTED NO TIENE ABOGADO, O SI NO TIENE DINERO SUFICIENTE PARA TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA, CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL  
LAWYER REFERRAL SERVICE  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

**NOTICE: PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR AND THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**MARK J. UDREN & ASSOCIATES**  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

**ATTORNEY FOR PLAINTIFF**

*Bank One National Association, as Trustee  
in Trust, for Registered  
Holders of Delta Funding Home Equity  
Loan Asset-Backed Certificates,  
Series 1999-3, c/o Delta Funding  
Corporation, as Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797  
Plaintiff*

**COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County**

**MORTGAGE FORECLOSURE**

**NO. 01-355-CD**

v.  
*Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681  
Defendant(s)*

**AFFIDAVIT OF NON-MILITARY SERVICE**

STATE OF *NJ*  
COUNTY OF *Camden* <sup>SS</sup> :

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

*Defendant: MICHAEL E. WARHOLIC  
Age: Over 18  
Residence: As captioned above  
Employment: Unknown*

*Defendant:  
Age: Over 18  
Residence: As captioned above  
Employment: Unknown*

*Sworn to and subscribed  
before me this 1ST day  
of JUNE, 2001.*

*[Signature]*  
Name: **MARK J. UDREN, ESQUIRE**  
Title: **ATTORNEY FOR PLAINTIFF**  
Company: **MARK J. UDREN & ASSOCIATES**

\_\_\_\_\_  
Notary Public

**FILED**

JUL 11 11:13 AM '07

William A. Shaw  
Prothonotary

Atty pd. 20.00  
No cc

Notice to def.

*ES*

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

COPY

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

Plaintiff

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

NO. 01-355-CD

TO: Michael E. Warholic  
1410 21st Street  
Clearfield, PA 16830

#### NOTICE

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

*Prothonotary*

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

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-482-6900

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

Plaintiff

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681  
Defendant(s)

NO. 01-355-CD

PRAECIPE FOR JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against the 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	\$19,600.24
Interest	405.06
From 3/08/01 to 6/01/01	
Late charges per Complaint	28.29
From 3/15/01 to 6/01/01	
Escrow payment per Complaint	216.00
From 3/24/01 to 6/01/01	

TOTAL \$20,249.59

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

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 7/3/01

PRO PROTHY

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

Plaintiff

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 01-355-CD

PRAECIPE FOR WRIT OF EXECUTION

TO THE SHERIFF:

Issue Writ of Execution in the above matter:

Amount due

\$20,249.59

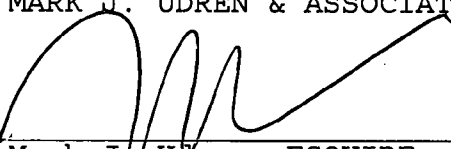
Interest From June 2, 2001

to Date of Sale  
Per diem @\$4.71

(Costs to be added)

\$ \_\_\_\_\_

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED

JUL 03 2001

William A. Shaw  
Prothonotary

FILED

JUL 11 11:17 AM  
JUL 13 2001

1 cc snst  
Atty pd.  
20-00

William A. Spence  
Prothonotary

le Wnts to  
2855

per  
KST

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

Plaintiff

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 01-355-CD

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

Box #41 (3rd Avenue)  
Smoke Run, PA 16681  
SEE LEGAL DESCRIPTION ATTACHED

Amount due

\$20,249.59

Interest From June 2, 2001

to Date of Sale  
Per diem @\$4.71

(Costs to be added)

\$ \_\_\_\_\_

By \_\_\_\_\_

*William L. [Signature]*  
Prothonotary

Clerk

COURT OF COMMON PLEAS

NO. 01-355-CD

=====

Bank One National Association, as Trustee in Trust, for Registered  
Holders of Delta Funding Home Equity Loan Asset-Backed Certificates,  
Series 1999-3, c/o Delta Funding Corporation, as Servicing Agent

vs.

Michael E. Warholic

=====

WRIT OF EXECUTION

=====

REAL DEBT \$ 20,249.59

INTEREST \$ \_\_\_\_\_

from June 2, 2001 to

Date of Sale

Per diem @\$4.71

COSTS PAID:

PROTHY \$ 120.00

SHERIFF \$ \_\_\_\_\_

STATUTORY \$ \_\_\_\_\_

COSTS DUE PROTHY. \$ \_\_\_\_\_

PREMISES TO BE SOLD:

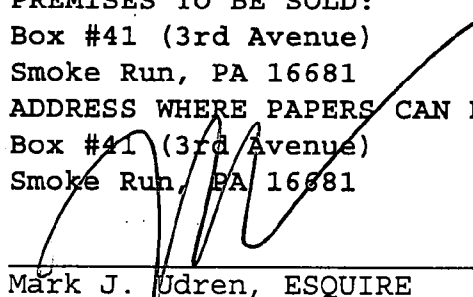
Box #41 (3rd Avenue)

Smoke Run, PA 16681

ADDRESS WHERE PAPERS CAN BE SERVED:

Box #41 (3rd Avenue)

Smoke Run, PA 16681

  
\_\_\_\_\_  
Mark J. Udren, ESQUIRE

MARK J. UDREN & ASSOCIATES

1040 NORTH KINGS HIGHWAY

SUITE 500

CHERRY HILL, NJ 08034

(856) 482-6900

ALL THOSE FOUR (4) CERTAIN LOTS OR PIECES OF GROUND SITUATED IN THE VILLAGE OF SMOKE RUN, COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, TOWNSHIP OF BECCARIA, BOUNDED AND DESCRIBED AS FOLLOWS:

THE FIRST THEREOF: BEING KNOWN AS LOT NO. 10 IN BLOCK "S" IN THE PLOT OF THE SAID VILLAGE OF SMOKE RUN, AND BEGINNING AT A POST ON THIRD AVENUE AND RUNNING SOUTHEAST, TWO HUNDRED AND EIGHTY (280') FEET, MORE OR LESS, TO AN ALLEY, THENCE NORTHWEST, FIFTY (50') FEET ALONG THE STREET, WHICH BORDERS ON P.R.R. RIGHT OF WAY ON MUDDY RUN BRANCH; THENCE NORTHWEST ALONG SAID LOT NO. 9, TWO HUNDRED EIGHTY (280') FEET, MORE OR LESS, TO THIRD AVENUE; THENCE SOUTH WEST ALONG SAID THIRD AVENUE, FIFTY (50') FEET, TO PLACE OF BEGINNING.

THE SECOND THEREOF: BEGINNING AT THE CORNER OF LOT NO. 10 ON THIRD AVENUE AND THENCE SOUTH ALONG THIRD AVENUE, TWENTY-FIVE (25') FEET; EAST TWO HUNDRED EIGHTY THREE (283') FEET, MORE OR LESS, TO A STREET ALONG MUDDY RUN BRANCH RAILROAD RIGHT OF WAY (WITHOUT A NAME); THENCE ALONG SAID NAMELESS STREET, TWENTY-FIVE (25') FEET, TO LOT NO. 10, AND THENCE ALONG SAID LOT NO. 10 TWO HUNDRED EIGHTY-THREE (283') FEET, MORE OR LESS, TO PLACE OF BEGINNING, AND BEING ONE-HALF OF LOT NO. 11 IN BLOCK "S" IN THE PLOT OF THE VILLAGE OF SMOKE RUN.

THE THIRD THEREOF: ALL THAT PIECE OR PARCEL OF LAND SITUATED IN THE VILLAGE OF SMOKE RUN, IN THE TOWNSHIP OF BECCARIA AFORESAID, AND ERRONEOUSLY ASSESSED IN BIGLER TOWNSHIP. BEGINNING AT A POST AT OTHER LAND OF FORMER GRANTOR, ON THE SOUTH SIDE OF MUDDY RUN BRANCH OF PENNSYLVANIA RAILROAD AND THIRTY-THREE (33') FEET FROM CENTER LINE THEREOF, AND RUNNING ALONG SAID RAILROAD, THIRTY-THREE (33') FEET FROM CENTER LINE THEREOF, IN A NORTHERLY COURSE, BY A SIX (6) DEGREE CURVE, TWO HUNDRED TEN (210') FEET TO A POST; THENCE CONTINUING ALONG SAME RAILROAD, AND THIRTY-THREE (33') FEET FROM CENTER LINE NORTH FOUR (4) DEGREES SIX (6) MINUTES WEST FIVE HUNDRED NINETEEN (519') FEET TO A POST THIRTY-THREE (33') FEET FROM CENTER LINE OF SAID RAILROAD; THENCE ALONG SOUTHERN BANK OF MUDDY RUN ITS VARIOUS COURSES, SEVEN HUNDRED FIFTY (750') FEET TO A POST AT LAND OF FORMER GRANTOR; THENCE BY SAID LAND NORTH EIGHTY-TWO (82) DEGREES, THIRTY (30) MINUTES WEST FORTY-FIVE (45') FEET TO A POST AND PLACE OF BEGINNING.

THE FOURTH THEREOF: BEGINNING AT A CORNER ON THE NORTH SIDE OF SEVENTH STREET AND RUNNING NORTH ONE HUNDRED FIFTY (150') FEET TO AN ALLEY, FIFTY (50') TO LOT NO. 8; THENCE SOUTH ALONG SAID LOT NO. 8 ONE HUNDRED FIFTY (150') FEET TO SEVENTH STREET; THENCE WEST ALONG SEVENTH STREET FIFTY (50') FEET, TO PLACE OF BEGINNING AND KNOWN AS LOT NO. 9, BLOCK L.I.

BEING KNOWN AS BOX #41, 3RD AVENUE, SMOKERUN, PA

TAX ID NO. 101-K15-499-00005

TITLE TO SAID PREMISES US VESTED IN MICHAEL E. WARHOLIC BY DEED FROM MICHAEL E. WARHOLIC AND PATRICIA ANN WARHOLIC, HUSBAND AND WIFE, DATED 5/24/1999 RECORDED 6/28/1999, INSTRUMENT NO. 199910647.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

MICHAEL E. WARHOLIC  
Defendant

No. 00-759-CRA

**FILED**

OCT 02 2001

William A. Shaw  
Clerk of Courts

3 00 PM '01

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BANK ONE NATIONAL ASSOCIATION,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797  
Plaintiff,

vs.

MICHAEL E. WARHOLIC  
Box #41, (3<sup>rd</sup> Avenue)  
Smoke Run, PA 16681  
Defendant

**FILED**

OCT 03 2001

William A. Shaw  
Prothonotary

~~No. 01-355-CD~~

MORTGAGE FORECLOSURE

**COPY**

CASE NUMBER: 01-355-CD and 00-759-CRA

TYPE OF CASE: Mortgage Foreclosure and Criminal

TYPE OF PLEADING: Motion to Suspend Sale of Real Estate  
until completion of Criminal Matters.

FILED ON BEHALF OF: Defendant as to both cases

COUNSEL OF RECORD FOR THIS PARTY: WARREN B. MIKESELL II, ESQUIRE  
Supreme Court I.D. #63717  
115 East Locust Street  
Clearfield, PA 16830  
(814) 765-6605

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
vs.	:	No. 00-759-CRA
	:	
MICHAEL E. WARHOLIC	:	
Defendant	:	

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

BANK ONE NATIONAL ASSOCIATION,	:	
as Trustee in Trust, for	:	
Registered	:	
Holder of Delta Funding Home	:	
Equity Loan Asset-Backed	:	
Certificates,	:	
Series 1999-3, c/o Delta	:	
Funding corporation, as	:	
Servicing Agent	:	
99 Sunnyside Blvd.	:	
Woodbury, NY 11797	:	
Plaintiff,	:	
	:	No. 01-355-CD
vs.	:	
	:	MORTGAGE FORECLOSURE
MICHAEL E. WARHOLIC	:	
Box #41, (3 <sup>rd</sup> Avenue)	:	
Smoke Run, PA 16681	:	
Defendant	:	

**MOTION TO POSTPONE THE SALE OF REAL ESTATE**

AND NOW, comes the Defendant, MICHAEL E. WARHOLIC, who by and through his Public Defender, Warren B. Mikesell, II, Esquire, presents the following **Motion to Postpone the Sale of Real Estate:**

1. That the Defendant, MICHAEL E. WARHOLIC, is the named defendant to both of the above captioned matters and is presently

incarcerated in the Clearfield County Jail pending the resolution of his criminal charges.

2. That the Defendant, MICHAEL E. WARHOLIC, has been charged with ninety-five (95) counts of RAPE, STATUTORY SEXUAL ASSAULT, AGGRAVATED INDECENT ASSAULT, CORRUPTION OF MINORS, INCEST, and INDECENT ASSAULT.

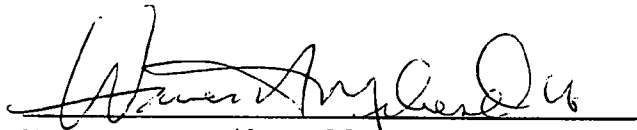
3. The alleged criminal offenses occurred in the Defendant's residence at Box #41, 3<sup>rd</sup> Avenue, Smoke Run, Clearfield County, Pennsylvania, which is currently scheduled to be sold at Sheriff's Sale on October 5, 2001 (a copy of the Notice of Sheriff's Sale of Real Estate is attached hereto as Exhibit "A") .

4. That it is critical to the Defendant's defense that evidence be secured from the residence prior to his criminal trial.

5. That after completion of defense preparation for the criminal matters, it may be necessary to request a view of the alleged scene of the ninety-five (95) Rapes and other offenses by the jury.

6. That the Defendant's Criminal Matter is currently scheduled for Criminal Call on October 18, 2001, and Criminal Jury Selection on October 25, 2001, with a jury trial to be scheduled by the Court during the November/December term of Court.

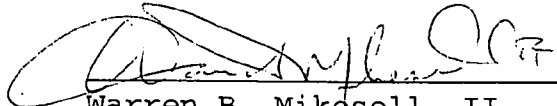
WHEREFORE, the Defendant respectfully requests this Honorable Court to issue an Order postponing the sale of the Defendant's residence at Box #41, 3<sup>rd</sup> Avenue, Smoke Run, Clearfield County, Pennsylvania by the Plaintiff, Bank One National Association, as Trustee in Trust for Registered Holders of Delta Funding Home Equity Loan Asset-Backed Certificates until the conclusion of the Criminal Matters filed to No. 00-759-CRA including the initial appeal period thereto.

A handwritten signature in dark ink, appearing to read "Warren B. Mikesell, II", is written over a horizontal line.

Warren B. Mikesell, II  
Assistant Public Defender,  
Attorney for the Defendant

Date: 10-02-01

I verify that the statements made in this Motion to Postpone the Sale of Real Estate are true and correct. I understand that false statements herein are made subject to the penalties of 18 PaC.S. § 4904, relating to unsworn falsification to authorities.

A handwritten signature in dark ink, appearing to read "Warren B. Mikesell, II", is written over a horizontal line.

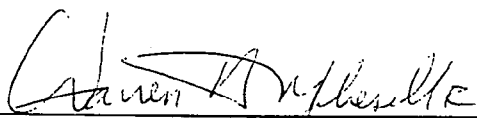
Warren B. Mikesell, II  
Assistant Public Defender  
Attorney for the Defendant

Date: 10-02-00

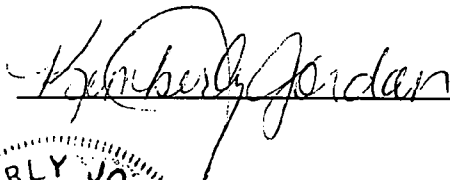
COMMONWEALTH OF PENNSYLVANIA :  
 : SS.  
COUNTY OF CLEARFIELD :

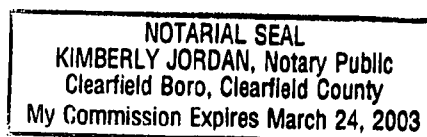
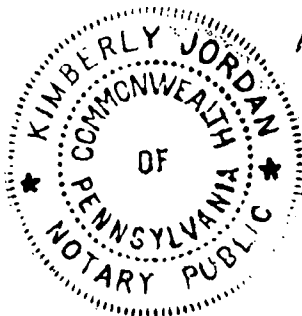
**A F F I D A V I T**

Before me, the undersigned officer, personally appeared, WARREN B. MIKESELL, II, who being duly sworn according to law deposes and says that the facts set forth in the foregoing **MOTION TO POSTPONE THE SALE OF REAL ESTATE** are true and correct to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
Warren B. Mikesell, II

Sworn to and subscribed  
before me this 2nd day  
of October, 2001.

  
\_\_\_\_\_



ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

Bank One National Association,	:	COURT OF COMMON PLEAS
as Trustee in Trust, for	:	CIVIL DIVISION
Registered	:	Clearfield County
Holder of Delta Funding Home	:	
Equity Loan Asset-Backed	:	MORTGAGE FORECLOSURE
Certificates,	:	
Series 1999-3, c/o Delta	:	
Funding Corporation, as	:	
Servicing Agent	:	
99 Sunnyside Blvd.	:	
Woodbury, NY 11797	:	
	:	
Plaintiff	:	
v.	:	
	:	
Michael E. Warholic	:	
Box #41 (3rd Avenue)	:	NO. 01-355-CD
Smoke Run, PA 16681	:	
	:	
Defendant(s)	:	

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Your house (real estate) at Box #41 (3rd Avenue), Smoke Run, PA 16681 is scheduled to be sold at the Sheriff's Sale on <sup>FRIDAY,</sup> OCTOBER 5, 2001 at the (10:00/ Clearfield County Courthouse, 230 E. Market Street, Clearfield, PA, to enforce the court judgment of \$20,249.59, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

To prevent this Sheriff's Sale, you must take immediate action:

1. The sale will be cancelled if you pay to the mortgagee the back payment, late charges, costs and reasonable attorney's fees. To find out how much you must pay, you may call: (856) 482-6900.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice on page two on how to obtain an attorney.)

1. If the Sheriff's sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling 856-482-6900.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call 856-482-6900.
4. If the amount due from the Buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have the right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff within 30 days after the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after Schedule of Distribution is filed.
7. You may also have other rights and defenses, or ways of getting your home back, if you act immediately after the sale.

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 LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**LAWYER REFERRAL SERVICE**  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

**ASSOCIATION DE LICENCIADOS DE FILADELFIA**  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

ALL THOSE FOUR (4) CERTAIN LOTS OR PIECES OF GROUND SITUATED IN THE VILLAGE OF SMOKE RUN, COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, TOWNSHIP OF BECCARIA, BOUNDED AND DESCRIBED AS FOLLOWS:

THE FIRST THEREOF: BEING KNOWN AS LOT NO. 10 IN BLOCK "S" IN THE PLOT OF THE SAID VILLAGE OF SMOKE RUN, AND BEGINNING AT A POST ON THIRD AVENUE AND RUNNING SOUTHEAST, TWO HUNDRED AND EIGHTY (280') FEET, MORE OR LESS, TO AN ALLEY, THENCE NORTHWEST, FIFTY (50') FEET ALONG THE STREET, WHICH BORDERS ON P.R.R. RIGHT OF WAY ON MUDDY RUN BRANCH; THENCE NORTHWEST ALONG SAID LOT NO. 9, TWO HUNDRED EIGHTY (280') FEET, MORE OR LESS, TO THIRD AVENUE; THENCE SOUTH WEST ALONG SAID THIRD AVENUE, FIFTY (50') FEET, TO PLACE OF BEGINNING.

THE SECOND THEREOF: BEGINNING AT THE CORNER OF LOT NO. 10 ON THIRD AVENUE AND THENCE SOUTH ALONG THIRD AVENUE, TWENTY-FIVE (25') FEET; EAST TWO HUNDRED EIGHTY THREE (283') FEET, MORE OR LESS, TO A STREET ALONG MUDDY RUN BRANCH RAILROAD RIGHT OF WAY (WITHOUT A NAME); THENCE ALONG SAID NAMELESS STREET, TWENTY-FIVE (25') FEET, TO LOT NO. 10, AND THENCE ALONG SAID LOT NO. 10 TWO HUNDRED EIGHTY-THREE (283') FEET, MORE OR LESS, TO PLACE OF BEGINNING, AND BEING ONE-HALF OF LOT NO. 11 IN BLOCK "S" IN THE PLOT OF THE VILLAGE OF SMOKE RUN.

THE THIRD THEREOF: ALL THAT PIECE OR PARCEL OF LAND SITUATED IN THE VILLAGE OF SMOKE RUN, IN THE TOWNSHIP OF BECCARIA AFORESAID, AND ERRONEOUSLY ASSESSED IN BIGLER TOWNSHIP. BEGINNING AT A POST AT OTHER LAND OF FORMER GRANTOR, ON THE SOUTH SIDE OF MUDDY RUN BRANCH OF PENNSYLVANIA RAILROAD AND THIRTY-THREE (33') FEET FROM CENTER LINE THEREOF, AND RUNNING ALONG SAID RAILROAD, THIRTY-THREE (33') FEET FROM CENTER LINE THEREOF, IN A NORTHERLY COURSE, BY A SIX (6) DEGREE CURVE, TWO HUNDRED TEN (210') FEET TO A POST; THENCE CONTINUING ALONG SAME RAILROAD, AND THIRTY-THREE (33') FEET FROM CENTER LINE NORTH FOUR (4) DEGREES SIX (6) MINUTES WEST FIVE HUNDRED NINETEEN (519') FEET TO A POST THIRTY-THREE (33') FEET FROM CENTER LINE OF SAID RAILROAD; THENCE ALONG SOUTHERN BANK OF MUDDY RUN ITS VARIOUS COURSES, SEVEN HUNDRED FIFTY (750') FEET TO A POST AT LAND OF FORMER GRANTOR; THENCE BY SAID LAND NORTH EIGHTY-TWO (82) DEGREES, THIRTY (30) MINUTES WEST FORTY-FIVE (45') FEET TO A POST AND PLACE OF BEGINNING.

THE FOURTH THEREOF: BEGINNING AT A CORNER ON THE NORTH SIDE OF SEVENTH STREET AND RUNNING NORTH ONE HUNDRED FIFTY (150') FEET TO AN ALLEY, FIFTY (50') TO LOT NO. 8; THENCE SOUTH ALONG SAID LOT NO. 8 ONE HUNDRED FIFTY (150') FEET TO SEVENTH STREET; THENCE WEST ALONG SEVENTH STREET FIFTY (50') FEET, TO PLACE OF BEGINNING AND KNOWN AS LOT NO. 9, BLOCK L.I.

BEING KNOWN AS BOX #41, 3RD AVENUE, SMOKERUN, PA

TAX ID NO. 101-K15-499-00005

TITLE TO SAID PREMISES US VESTED IN MICHAEL E. WARHOLIC BY DEED FROM MICHAEL E. WARHOLIC AND PATRICIA ANN WARHOLIC, HUSBAND AND WIFE, DATED 5/24/1999 RECORDED 6/28/1999, INSTRUMENT NO. 199910647.

SEIZED, taken in execution to be sold as the property of MICHAEL E. WARHOLIC, at the suit of BANK ONE NATIONAL ASSOCIATION, as Trustee in Trust, for Registered Holders of Delta Funding Home Equity Loan Asset-Backed Certificates, Series 1999-3, c/o Delta Funding Corporation, as Servicing Agent. Judgment No. 01-335-CD.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

MICHAEL E. WARHOLIC  
Defendant

No. 00-759-CRA

3 chas To 10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BANK ONE NATIONAL ASSOCIATION,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797  
Plaintiff,

vs.

MICHAEL E. WARHOLIC  
Box #41, (3<sup>rd</sup> Avenue)  
Smoke Run, PA 16681  
Defendant

FILED

OCT 03 2001

William A. Shaw  
Prothonotary E. WAT

No. 01-355-CP

MORTGAGE FORECLOSURE

COPY

ORDER

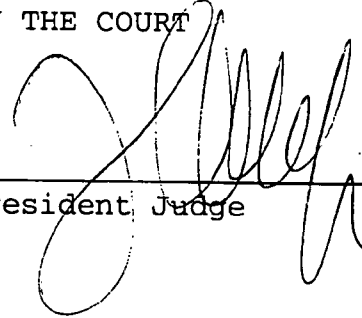
AND NOW, this 3<sup>rd</sup> day of October, 2001, upon

Defendant's Motion to Postpone the Sale of Real Estate that may  
be considered to have or hold evidence in the Criminal matter  
filed to No. 00-759-CRA, it is the Order of this Court that the  
October 5, 2001, sale of the Defendant's real estate situate in

Smoke Run, Clearfield County, Pennsylvania shall hereby be canceled and the same shall not be rescheduled until the completion of the criminal trial and initial appeal period thereafter.

The Clearfield County Sheriff is hereby directed to continue the sale of the Defendant's residence until further Order of this Court.

BY THE COURT

  
\_\_\_\_\_  
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
 :  
vs. : No. 00-759-CRA  
 :  
MICHAEL E. WARHOLIC :  
Defendant :

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BANK ONE NATIONAL ASSOCIATION, :  
as Trustee in Trust, for :  
Registered :  
Holders of Delta Funding Home :  
Equity Loan Asset-Backed :  
Certificates, :  
Series 1999-3, c/o Delta :  
Funding corporation, as :  
Servicing Agent :  
99 Sunnyside Blvd. :  
Woodbury, NY 11797 :  
Plaintiff, :  
 :  
vs. :  
 :  
MICHAEL E. WARHOLIC :  
Box #41, (3<sup>rd</sup> Avenue) :  
smoke Run, PA 16681 :  
Defendant :

No. 01-355-CD  
MORTGAGE FORECLOSURE

FILED

OCT 08 2001

6/11/30/01  
William A. Shaw  
Notary  
2 cert to P.O.

**ORDER**

AND NOW, this 8th day of October, 2001, by  
agreement of the Petitioner and Bank One National Association,  
the Order of Court dated October 3, 2001, is hereby vacated.

BY THE COURT

President Judge

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

**FILED**

JAN 02 2002  
m/1-31/100CL  
William A. Shaw  
Prothonotary

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681  
Defendant(s)

NO. 01-355-CD

**AFFIDAVIT OF SERVICE PURSUANT TO Pa.R.C.P. RULE 3129.1**

Plaintiff, by its/his/her Attorney, Mark J. Udren, Esquire, hereby verifies that:

1. A copy of the Notice of Sheriff's Sale, a true and correct copy of which is attached hereto as Exhibit "A", was sent to every recorded lienholder and every other interested party known as of the date of the filing of the Praecipe for the Writ of Execution, on the date(s) appearing on the attached Certificates of Mailing.
2. A Notice of Sheriff's Sale was sent to Defendant(s) by regular mail and certified mail on the date appearing on the attached Return Receipt, which was signed for by Defendant(s) on the date specified on the said Return Receipt. Copies of the said Notice and Return Receipt are attached hereto as Exhibit "B".
3. If a Return Receipt is not attached hereto, then service was by personal service on the date specified on the attached Return of Service, attached hereto as Exhibit "B".
4. If service was by Order of Court, then proof of compliance with said Order is attached hereto as Exhibit "B".

All Notices were served within the time limits set forth by Pa Rule C.P. 3129.

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

Dated: December 24, 2001

MARK J. UDREN & ASSOCIATES

BY:

Mark J. Udren, Esquire  
Attorney for Plaintiff

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 01-355-CD

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Defendant(s)

DATE: July 26, 2001

TO: ALL PARTIES IN INTEREST AND CLAIMANTS

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

OWNER(S): MICHAEL E. WARHOLIC

PROPERTY: Box #41 (3rd Avenue), Smoke Run, PA 16681

Improvements: RESIDENTIAL DWELLING

The above captioned property is scheduled to be sold at the Clearfield County Sheriff's Sale on October 05, 2001, at 10:00 A.M., at the CLEARFIELD COUNTY COURTHOUSE, 230 EAST MARKET STREET, CLEARFIELD, PA. Our records indicate that you may hold a mortgage or judgment on the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

A Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than 30 days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 10 days after the filing of the schedule.

**EXHIBIT A**

Name and Address of Sender

LAW OFFICES  
MARK J. UDREN & ASSOCIATES  
1040 N. KINGS HIGHWAY SUITE 500  
CHERRY HILL, NJ 08034

☐ Registered  
☐ Insured  
☐ COD  
☐ Certified  
☐ Return Receipt for Merchandise  
☐ Init. Recorded Del.  
☐ Express Mail

Check appropriate block for Registered Mail:  
☐ With Postal Insurance  
☐ Without postal insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

Postmark and Date of Receipt

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R.R. Fee	S.D. Fee	S.H. Fee	Remarks
1	WARHOLIC	REAL ESTATE TAX DEPT 230 E. MARKET STREET CLEARFIELD, PA 16830										
2	0123907	DOMESTIC RELATIONS SECTION 230 E. MARKET STREET CLEARFIELD, PA 16830										
3	ALICE D	COM OF PA, DEPT OF REV, BUREAU OF COMPLIANCE DEPT 280946 HARRISBURG, PA 17126 0946										
4		TENANTS/OCCUPANTS BOX #41 (3 <sup>RD</sup> AVE) SMOKE RUN, PA 16681										
5	CLEARFIEL D											
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
Total number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and fourth class parcels.							

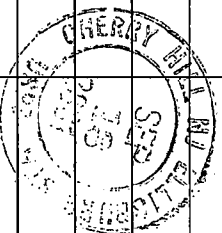


EXHIBIT A



ie Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

11198

BANK ONE NATONAL ASSOCIATION

01-355-CD

VS.

WARHOLIC, MICHAEL E.

WRIT OF EXECUTION

REAL ESTATE

SHERIFF RETURNS

Sworn to Before Me This

16th Day Of April 2002

WILLIAM A. SHAW  
Prothonotary

My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins  
Sheriff

FILED

APR 16 2002

09:00

William A. Shaw  
Prothonotary

MARK J. UDREN & ASSOCIATES  
BY: Mark J. Udren, Esquire  
ATTY I.D. NO. 04302  
1040 N. KINGS HIGHWAY, SUITE 500  
CHERRY HILL, NJ 08034  
856-482-6900

ATTORNEY FOR PLAINTIFF

Bank One National Association,  
as Trustee in Trust, for  
Registered  
Holders of Delta Funding Home  
Equity Loan Asset-Backed  
Certificates,  
Series 1999-3, c/o Delta  
Funding Corporation, as  
Servicing Agent  
99 Sunnyside Blvd.  
Woodbury, NY 11797

Plaintiff

v.

Michael E. Warholic  
Box #41 (3rd Avenue)  
Smoke Run, PA 16681

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 01-355-CD

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

Box #41 (3rd Avenue)  
Smoke Run, PA 16681  
SEE LEGAL DESCRIPTION ATTACHED

Amount due

\$20,249.59

Interest From June 2, 2001

to Date of Sale  
Per diem @\$4.71

(Costs to be added)

\$ \_\_\_\_\_

RECEIVED JUL 03 2001

@ 3:34 PM

Prothonotary

By

*William L. [Signature]*

Clerk

*Chester A. Hawkins*  
*by Margaret H. Pitt*

COURT OF COMMON PLEAS

NO. 01-355-CD

=====

Bank One National Association, as Trustee in Trust, for Registered  
Holders of Delta Funding Home Equity Loan Asset-Backed Certificates,  
Series 1999-3, c/o Delta Funding Corporation, as Servicing Agent

vs.

Michael E. Warholic

=====

WRIT OF EXECUTION

=====

REAL DEBT \$ 20,249.59

INTEREST \$ \_\_\_\_\_  
from June 2, 2001 to \_\_\_\_\_  
Date of Sale \_\_\_\_\_  
Per diem @\$4.71

COSTS PAID:  
PROTHY \$ 120.00

SHERIFF \$ \_\_\_\_\_

STATUTORY \$ \_\_\_\_\_

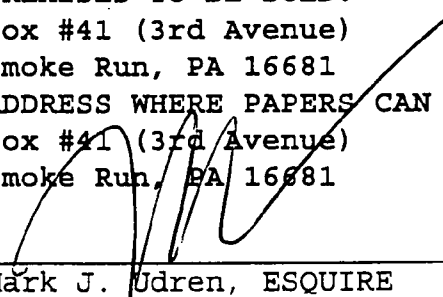
COSTS DUE PROTHY. \$ \_\_\_\_\_

PREMISES TO BE SOLD:

Box #41 (3rd Avenue)  
Smoke Run, PA 16681

ADDRESS WHERE PAPERS CAN BE SERVED:

Box #41 (3rd Avenue)  
Smoke Run, PA 16681

  
\_\_\_\_\_  
Mark J. Udren, ESQUIRE  
MARK J. UDREN & ASSOCIATES  
1040 NORTH KINGS HIGHWAY  
SUITE 500  
CHERRY HILL, NJ 08034  
(856) 482-6900

ALL THOSE FOUR (4) CERTAIN LOTS OR PIECES OF GROUND SITUATED IN THE VILLAGE OF SMOKE RUN, COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, TOWNSHIP OF BECCARIA, BOUNDED AND DESCRIBED AS FOLLOWS:

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THE THIRD THEREOF: ALL THAT PIECE OR PARCEL OF LAND SITUATED IN THE VILLAGE OF SMOKE RUN, IN THE TOWNSHIP OF BECCARIA AFORESAID, AND ERRONEOUSLY ASSESSED IN BIGLER TOWNSHIP. BEGINNING AT A POST AT OTHER LAND OF FORMER GRANTOR, ON THE SOUTH SIDE OF MUDDY RUN BRANCH OF PENNSYLVANIA RAILROAD AND THIRTY-THREE (33') FEET FROM CENTER LINE THEREOF, AND RUNNING ALONG SAID RAILROAD, THIRTY-THREE (33') FEET FROM CENTER LINE THEREOF, IN A NORTHERLY COURSE, BY A SIX (6) DEGREE CURVE, TWO HUNDRED TEN (210') FEET TO A POST; THENCE CONTINUING ALONG SAME RAILROAD, AND THIRTY-THREE (33') FEET FROM CENTER LINE NORTH FOUR (4) DEGREES SIX (6) MINUTES WEST FIVE HUNDRED NINETEEN (519') FEET TO A POST THIRTY-THREE (33') FEET FROM CENTER LINE OF SAID RAILROAD; THENCE ALONG SOUTHERN BANK OF MUDDY RUN ITS VARIOUS COURSES, SEVEN HUNDRED FIFTY (750') FEET TO A POST AT LAND OF FORMER GRANTOR; THENCE BY SAID LAND NORTH EIGHTY-TWO (82) DEGREES, THIRTY (30) MINUTES WEST FORTY-FIVE (45') FEET TO A POST AND PLACE OF BEGINNING.

THE FOURTH THEREOF: BEGINNING AT A CORNER ON THE NORTH SIDE OF SEVENTH STREET AND RUNNING NORTH ONE HUNDRED FIFTY (150') FEET TO AN ALLEY, FIFTY (50') TO LOT NO. 8; THENCE SOUTH ALONG SAID LOT NO. 8 ONE HUNDRED FIFTY (150') FEET TO SEVENTH STREET; THENCE WEST ALONG SEVENTH STREET FIFTY (50') FEET, TO PLACE OF BEGINNING AND KNOWN AS LOT NO. 9, BLOCK L.I.

BEING KNOWN AS BOX #41, 3RD AVENUE, SMOKERUN, PA

TAX ID NO. 101-K15-499-00005

TITLE TO SAID PREMISES US VESTED IN MICHAEL E. WARHOLIC BY DEED FROM MICHAEL E. WARHOLIC AND PATRICIA ANN WARHOLIC, HUSBAND AND WIFE, DATED 5/24/1999 RECORDED 6/28/1999, INSTRUMENT NO. 199910647.



**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 11198

**BANK ONE NATIONAL ASSOCIATION**

**01-355-CD**

**VS.**

**WARHOLIC, MICHAEL E.**

**WRIT OF EXECUTION      REAL ESTATE**

**SHERIFF RETURNS**

---

**NOW, JULY 30, 2001, AT 9:55 PM O'CLOCK A LEVY WAS TAKEN ON THE  
PROPERTY OF THE DEFENDANT. PROPERTY WAS POSTED THIS DATE.**

**A SALE IS SET FOR FRIDAY, OCTOBER 5, 2001, AT 10:00AM O'CLOCK.**

**NOW, JULY 30, 2001, AT 12:40 PM O'CLOCK SERVED WRIT OF EXECUTION,  
NOTICE OF SALE AND COPY OF LEVY ON MICHAEL E. WARHOLIC, DEFENDANT,  
AT THE CLEARFIELD COUNTY JAIL, 410 TWENTY-FIRST STREET, CLEARFIELD,  
CLEARFIELD COUNTY, PENNSYLVANIA, 16830, BY HANDING TO MICHAEL E.  
WARHOLIC, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL  
WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY AND MADE KNOWN  
TO HIM THE CONTENTS THEREOF.**

**NOW, OCTOBER 4, 2001, RECEIVED A COURT ORDER TO STAY SALE.**

**NOW, OCTOBER 5, 2001, RECEIVED FAX THAT SALE IS TO BE CONTINUED  
POSSIBLY TO DECEMBER 7, 2001.**

**NOW, OCTOBER 5, 2001, RECEIVED FAX THAT THE SALE IS TO BE CONTINUED  
TO FRIDAY, JANUARY 4, 2002, AT 10:00 AM.**

**NOW, JANUARY 4, 2002, A SALE WAS HELD ON THE PROPERTY OF THE  
DEFENDANT. PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR ONE  
DOLLAR (\$1.00) PLUS COSTS.**

**NOW, JANUARY 17, 2002, SENT A BILL TO THE ATTORNEY FOR COSTS DUE  
ON SALE.**

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket #

11198

BANK ONE NATIONAL ASSOCIATION

01-355-CD

VS.

WARHOLIC, MICHAEL E.

WRIT OF EXECUTION      REAL ESTATE

**SHERIFF RETURNS**

---

NOW, MARCH 28, 2002, FAXED COPY OF BILL TO ATTORNEY FOR COSTS DUE ON SALE.

NOW, APRIL 2, 2002, CALLED ATTORNEY ABOUT COSTS DUE FOR SALE.

NOW, APRIL 10, 2002, RECEIVED ATTORNEY CHECK #69915 IN THE AMOUNT OF TWO THOUSAND ONE HUNDRED SEVENTY-TWO DOLLARS AND FORTY-ONE CENTS (\$2,172.41) FOR COSTS DUE ON SALE. ALSO RECEIVED A LETTER THAT THE ATTORNEY IS AWAITING AN ASSIGNMENT FOR DEED INSTRUCTIONS. PER SHERIFF HAWKINS THE DEED WILL BE MADE OUT TO THE PLAINTIFF WHO PURCHASED THE PROPERTY, THE ATTORNEY WILL BE RESPONSIBLE FOR CHANGING THE NAME ON DEED.

NOW, APRIL 15, 2002, RETURN WRIT AS A SALE BEING HELD WITH THE PLAINTIFF PURCHASING THE PROPERTY FOR ONE DOLLAR PLUS COSTS. PAID COSTS FROM ADVANCE WITH THE ATTORNEY PAYING REMAINING COSTS. DEED WAS FILED THIS DATE.

SHERIFF HAWKINS    \$378.93  
SURCHARGE            \$ 20.00  
PAID BY ATTORNEY

---

MARK J. UDREN & ASSOCIATES  
1040 NORTH KINGS HIGHWAY  
SUITE 500  
CHERRY HILL, NEW JERSEY 08034  
856 . 482 . 6900  
FAX: 856 . 482 . 1199

MARK J. UDREN\*  
STUART WINNEG\*\*  
GAYL SPIVAK ORLOFF\*\*\*  
HEIDI R. SPIVAK\*\*\*  
CHRISTOPHER J. FOX\*\*\*  
CORINA CANIZ\*\*\*  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
TINA MARIE RICH  
OFFICE ADMINISTRATOR

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

PENNSYLVANIA OFFICE  
24 NORTH MERION AVENUE  
SUITE 240  
BRYN MAWR, PA 19010  
215-568-9500  
215-368-1141 FAX

PLEASE RESPOND TO NEW JERSEY OFFICE

October 5, 2001

Sent via telefax #814-765-5915  
and Regular Mail

Clearfield County Sheriff's Office  
Clearfield County Courthouse  
200 E. Market Street  
Clearfield, PA 16830  
ATTN: Peggy

Re: Bank One National Association, as Trustee in Trust, for  
Registered Holders of Delta Funding Home Equity Loan Asset-  
Backed Certificates, Series 1999-3, c/o Delta Funding  
Corporation, as Servicing Agent  
vs.  
Michael E. Warholic  
Clearfield County C.C.P. No. 01-355-CD  
Premises: Box #41 (3rd Avenue), Smoke Run, PA 16681  
SS Date: October 5, 2001

Dear Peggy:


Please Postpone the Sheriff's Sale scheduled for October 5, 2001  
to January 4, 2002.

Sale is Postponed for the following reason:

To Allow Time For Pending Criminal Charges.

Thank you for your attention to this matter.

Sincerely yours,

  
Mark J. Udren  
MARK J. UDREN & ASSOCIATES

/atd

LAW OFFICES  
**MARK J. UDREN & ASSOCIATES**  
1040 NORTH KINGS HIGHWAY  
SUITE 500  
CHERRY HILL, NEW JERSEY 08034

856 . 482 . 6900  
FAX: 856 . 482 . 1199

MARK J. UDREN\*  
STUART WINNEG\*\*  
GAYL SPIVAK ORLOFF\*\*\*  
HEIDI R. SPIVAK\*\*\*  
CHRISTOPHER J. FOX\*\*\*  
CORINA CANIZ\*\*\*  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
TINA MARIE RICH  
OFFICE ADMINISTRATOR

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

PENNSYLVANIA OFFICE  
~~24 NORTH MERION AVENUE~~  
SUITE 240  
BRYN MAWR, PA 19010  
215-568-9500  
215-568-1141 FAX

PLEASE RESPOND TO NEW JERSEY OFFICE

October 2, 2001

Sent via telefax #814-765-5915  
and Regular Mail

Clearfield County Sheriff's Office  
Clearfield County Courthouse  
200 E. Market Street  
Clearfield, PA 16830  
ATTN: Peggy

Re: Bank One National Association, as Trustee in Trust, for  
Registered Holders of Delta Funding Home Equity Loan Asset-  
Backed Certificates, Series 1999-3, c/o Delta Funding  
Corporation, as Servicing Agent

vs.

Michael E. Warholic

Clearfield County C.C.P. No. 01-355-CD

Premises: Box #41 (3rd Avenue), Smoke Run, PA 16681

SS Date: October 5, 2001

COPIES  
Dear Peggy:

Please Postpone the Sheriff's Sale scheduled for October 5, 2001  
to November 2, 2001.

Sale is Postponed for the following reason:

To Allow Time For Service.

Thank you for your attention to this matter.

Sincerely yours,



Mark J. Udren  
MARK J. UDREN & ASSOCIATES  
/atd





Sheriff's Office  
Clearfield County

CLEARFIELD COUNTY FAX  
(814)765-5915

CHESTER A. HAWKINS  
SHERIFF

1 NORTH SECOND STREET - COURTHOUSE  
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ  
CHIEF DEPUTY  
MARGARET PUTT  
OFFICE MANAGER

MARILYN HAMM  
DEPT. CLERK  
PETER F. SMITH  
SOLICITOR



**YOU CAN WUN. BUT YOU CAN'T HIDE!**

DATE FAXED: MARCH 28, 2002

TO: MIKE SALOR

FAX #: 856-482-1199

PHONE #:

FROM: PEGGY

NO. OF PAGES, INCLUDING COVER: 2

MESSAGE: MIKE,

THIS SALE WAS HELD ON FRIDAY, JANUARY 4, 2002, THE COSTS HAVE CHANGED BECAUSE THERE IS  
MORE INTEREST DUE TO TAX CLAIM AND THE 2002 COUNTY AND TOWNSHIP TAXES ARE NOW DUE.

PLEASE PAY THESE COSTS ASAP. THANKS!! IF YOU HAVE ANY QUESTIONS PLEASE CALL

ME AT 814-765-2641 ext 1361

COPY

*Peggy*

LAW OFFICES  
**MARK J. UDREN & ASSOCIATES**  
1040 NORTH KINGS HIGHWAY  
SUITE 500  
CHERRY HILL, NEW JERSEY 08034  
856 . 482 . 6900  
FAX: 856 . 482 . 1199

MARK J. UDREN\*  
STUART WINNEG\*\*  
GAYL SPIVAK ORLOFF\*\*\*  
HEIDI R. SPIVAK\*\*\*  
CHRISTOPHER J. FOX\*\*\*  
CORINA CANIZ\*\*  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
TINA MARIE RICH  
OFFICE ADMINISTRATOR

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

PENNSYLVANIA OFFICE  
24 NORTH MERION AVENUE  
SUITE 240  
BRYN MAWR, PA 19010  
215-568-9500  
215-568-1141 FAX

PLEASE RESPOND TO NEW JERSEY OFFICE

April 5, 2002

Office of the Sheriff  
Clearfield County Courthouse  
200 E. Market Street  
Clearfield, PA 16830

RE: Bank One National Association, as Trustee in Trust, for  
Registered Holders of Delta Funding Home Equity Loan Asset-  
Backed Certificates, Series 1999-3, c/o Delta Funding  
Corporation, as Servicing Agent

vs.

Michael E. Warholic

Property: Box #41 (3rd Avenue)  
Smoke Run, PA 16681


Clearfield County C.C.P. No.: 01-355-CD  
Sheriff's Sale Date: 1/4/02

Dear Sir or Madam:

As attorney on the Writ, we are assigning the bid and requesting  
the DEED be recorded in the name of , .

Enclosed please find our check in the amount of \$2,172.41 payable  
to the Sheriff of Lycoming County. This check represents payment  
of the sheriff settlement costs, less previous deposit of  
\$1,000.00.

We are currently awaiting an assignment and will send deeding  
instructions as soon as we receive the recorded assignment.

Sincerely, 

Michael Falor  
Legal Assistant

Enclosure



LAW OFFICES OF MARK J. UDREN & ASSOCIATES  
ESCROW ACCOUNT  
CHERRY HILL, NJ 08034

PNC BANK, N.A.  
PHILADELPHIA, PA 020

69915

3-51  
310

69915

PAY  
TO THE  
ORDER OF

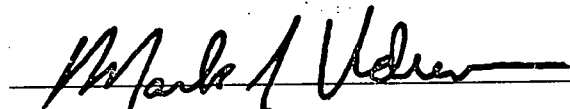
\*\*\* Two Thousand One Hundred Seventy Two  
\*\*\*  
Sheriff of Clearfield County

41/100

DATE  
Apr 05, 2002

AMOUNT  
\$2,172.41

RE: Settle with Sheriff - #0123907 Warholic

 MP

EX-11198 ⑈069915⑈ ⑈031000053⑈ 8612171472⑈

COPY

REAL ESTATE SALE

# REAL ESTATE SALE SCHEDULE OF DISTRIBUTION

REAL ESTATE SALE

NOW, JANUARY 7, 2002, 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 4th day of JANUARY 2002, I exposed the within described real estate of MICHAEL E. WARHOLIC

to public venue or outcry at which time and place I sold the same to BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE IN TRUST FOR REGISTERED HOLDERS OF DELTA FUNDING HOME EQUITY LOAN ASSET-BACKED CERTIFICATES, SERIES 1999-3 C/O DELTA FUNDING CORP., he/she being the highest bidder, for the sum of \$                    , and made the following appropriations, viz.: AS SERVICING AGENT

## SHERIFF COSTS:

RDR	\$	15.00
SERVICE		15.00
MILEAGE		14.95
LEVY		15.00
MILEAGE		14.95
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		45.00
ADD'L MILEAGE		18.95
ADD'L LEVY		45.00
BID AMOUNT		1.00
RETURNS/DEPUTIZE		
COPIES / BILLING		15.00
BILLING - PHONE - FAX		65.00
<b>TOTAL SHERIFF COSTS</b>	<b>\$</b>	<b>373.93</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	\$ 20,249.59
INTEREST FROM JUNE 2, 2001	

TO BE ADDED

<b>TOTAL DEBT &amp; INTEREST</b>	<b>\$ 20,249.59</b>
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## COSTS:

ATTORNEY FEES	\$	
PROTH. SATISFACTION		
ADVERTISING	\$	750.21
LATE CHARGES & FEES		
TAXES-Collector		67.97
TAXES-Tax Claim		1,426.55
COSTS OF SUIT-To Be Added		
LIST OF LIENS	\$	280.00
MORTGAGE SEARCH		
ACKNOWLEDGEMENT	\$	5.00
DEED COSTS	\$	15.50
ATTORNEY COMMISSION		
SHERIFF COSTS	\$	378.93
LEGAL JOURNAL AD	\$	128.25
REFUND OF ADVANCE		
REFUND OF SURCHARGE		
PROTHONOTARY		120.00

<b>TOTAL COSTS</b>	<b>\$</b>	<b>3,172.41</b>
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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