

01-946-CD
NATIONSCREDIT CONSUMER DISCOUNT -vs- RONALD J. TIMKO et al
COMPANY

MARKOWITZ & MARKOWITZ
By: Andrew L. Markowitz, Esq.
ID # 28009
PO Box 373
Lahaska, PA. 18931
215-297-0411

Attorney for
plaintiff

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY
10401 Deerwood Park Boulevard
Jacksonville, FL 32256

vs.
RONALD J. TIMKO and
KATHY C. TIMKO
704 Crozier Avenue
Clearfield, PA 16830

IN THE
COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY

DIVISION

TERM,

No. 2001-946-C

MORTGAGE FORECLOSURE
#3010

CIVIL ACTION

NOTICE

AVISO

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.

LAWYER REFERENCE SERVICE

David S. Meholick, Court
Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830
TEL: 814-765-2641

FILED

SERVICIO DE REFERENCIA LEGAL

JUN 15 2001

William A. Shaw
Prothonotary

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia 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 defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, 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 IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

MARKOWITZ & MARKOWITZ
By: Andrew L. Markowitz, Esquire
PA Attorney ID #28009
P.O. Box 373
Lahaska, PA 18931-0373
TEL: (215) 297-0411
FAX: (215) 297-5932

Attorneys for Plaintiff

NATIONSCREDIT CONSUMER	:	COURT OF COMMON PLEAS
DISCOUNT COMPANY	:	CLEARFIELD COUNTY
10401 Deerwood Park Boulevard	:	
Jacksonville, FL 32256	:	CIVIL DIVISION - LAW
v.	:	
RONALD J. TIMKO, and	:	
KATHY C. TIMKO	:	
704 Crozier Avenue	:	
Clearfield, PA 16830	:	IN MORTGAGE FORECLOSURE

COMPLAINT

1. Plaintiff, NATIONSCREDIT CONSUMER DISCOUNT COMPANY (hereinafter referred to as "NATIONSCREDIT"), is a consumer discount company duly organized and doing business under the laws of the Commonwealth of Pennsylvania, having offices at 10401 Deerwood Park Boulevard, Jacksonville, FL 32256

2. Defendants, RONALD J. TIMKO and KATHY C. TIMKO, are the real owners and mortgagors and grantees in the last deed of record to the hereinafter described real estate located at

704 Crozier Avenue, Clearfield, PA 16830, being Tax Parcel No.K08-210-00041. Defendants reside at 704 Crozier Avenue, Clearfield, PA 16830.

3. On April 21, 1999, defendants executed and delivered to plaintiff, NATIONSCREDIT CONSUMER DISCOUNT COMPANY (hereinafter referred to as "NATIONSCREDIT") a mortgage upon the premises hereinafter described as security for the payment by defendants of certain sums due and owing by defendant, RONALD J. TIMKO, under a promissory note executed by defendant, RONALD J. TIMKO, on the same date in consideration for a loan made to him by plaintiff. Said mortgage is recorded in the Office of the Recorder of Deeds in and for Clearfield County, in Mortgage Book 1999, page 06552, and is incorporated herein by reference by virtue of Pa. R.C.P. §1019(g).

4. The aforesaid mortgage has not been assigned.

5. The premises subject to the aforesaid mortgage is described in Exhibit "A", which is attached hereto and incorporated herein by reference. The address of the mortgaged premises is 704 Crozier Avenue, Clearfield, PA 16830, being Tax Parcel No.K08-210-00041.

6. The aforesaid mortgage is in default because the required monthly payments due under the terms of the aforesaid note and mortgage have not been made for the months of November 30, 2000 through the present date. By the terms of the said mortgage, upon breach and failure to cure said breach after notice, all sums secured by said mortgage shall be immediately due and owing.

7. The terms of the said mortgage further provide that in the event of default, defendants shall be liable for plaintiff's costs and attorney's fees.

8. The following amounts are due on said mortgage:

\$46,475.13	(principal balance)
\$ 1,841.73	(accrued interest through 04/19/01)
\$ 800.00	(attorney's fees estimated for foreclosure)
<u>\$ 75.00</u>	(prior costs and fees)
\$49,191.86	(total amount due)

plus costs, interest at the rate of \$10.60 *per diem* for each day after April 19, 2001 until the entry of judgment, and interest from the date of judgment as provided by law.

9. Plaintiff has demanded the total amount due from defendants, but defendants have failed to pay the same.

10. A written notice of defendants' rights under the Homeowners' Emergency Mortgage Assistance Act (Act 91), combined with a written notice of intention to foreclose under Act No. 6, was sent to defendants on May 7, 2001 pursuant to the provisions of both such Acts, a copy of said notice being attached hereto as Exhibit "B" and incorporated herein by reference.

11. Pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (1977), defendants may dispute the validity of the debt or any portion thereof. If defendants do so in writing within thirty (30) days from the date this pleading is received, counsel for plaintiff will obtain and provide defendants with written verification thereof; otherwise, the debt will be assumed to be valid. Likewise, if requested within thirty (30) days of receipt of this pleading, counsel for plaintiff will send defendants the name and address of the original creditor if different from above.

WHEREFORE, plaintiff demands that judgment *in rem* be entered in its favor and against defendant in the amount of \$49,191.86, plus costs, interest *per diem* and interest from the date of

judgment as provided by law, and for a foreclosure sale of the subject property, and for such other and further relief as the Court shall deem just and proper.

MARKOWITZ & MARKOWITZ

By: 

ANDREW L. MARKOWITZ, ESQUIRE
Attorneys for Plaintiff

AFFIDAVIT

STATE OF FLORIDA:

COUNTY OF DUVAL:

I, ROBERT C. HARDMAN, being duly sworn according to law, hereby depose and say that I am Vice President of NATIONSCREDIT CONSUMER DISCOUNT COMPANY, plaintiff in the above matter; and that I am authorized to make this Affidavit on its behalf; and that the facts as set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.



ROBERT C. HARDMAN

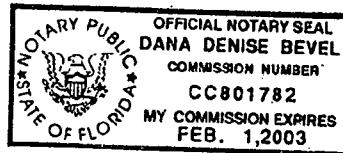
Sworn to and subscribed

this 31st day

of May, 2001.



Notary Public



SCHEDULE C

All that certain plot, piece or parcel of land, together with the building and improvements thereon situate, lying and being in the third Ward of the Borough of Clearfield, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe distant 76.39 feet, North 6 degrees 25 minutes West of a cut stone monument set in the Northerly side of Hannah Street, distant South 88 degrees 18 minutes West approximately 89.71 feet from the Northwesterly intersection of Hannah Street and Crozier Avenue, thence along the following four (4) courses and distances:

1. Thence North 6 degrees 25 minutes West 39.505 feet to the dividing line of the double house situate on what is known as 704-706 Crozier Avenue;
2. Thence through the wall dividing said double house North 63 degrees 35 minutes East 89.40 feet to Crozier Avenue;
3. Thence along Crozier Avenue, South 6 degrees 25 minutes East 39.505 feet to an iron pipe;
4. Thence South 83 degrees 35 minutes West 89.40 feet to an iron pipe, the point or place of beginning.

The Grantors herein further convey to the Grantees herein the rights common with others as set forth in a certain Agreement dated the 26th day of April, 1956 and recorded in Clearfield County, Pennsylvania, in Miscellaneous Docket 102 at page 47, and the Grantees herein by the acceptance of this Deed, do hereby accept the rights and conditions set forth in said Agreement.

Date: MAY 7, 2001

ACT 91 NOTICE

TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

NOTICE OF HOMEOWNERS' EMERGENCY MORTGAGE ASSISTANCE PROGRAM AND
NOTICE OF INTENTION TO FORECLOSE MORTGAGE

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 INMEDIATAMENTE 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): RONALD J. TIMKO and KATHY C. TIMKO

PROPERTY ADDRESS: 704 Crozier Avenue
Clearfield, PA 16830

LOAN ACCT. NO.: #7002719321

ORIGINAL LENDER: NATIONSCREDIT CONSUMER DISCOUNT COMPANY

CURRENT LENDER/SERVICER: NATIONSCREDIT CONSUMER DISCOUNT COMPANY

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 THIRTY (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 agencies 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.

GENCY 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: 704 CROZIER AVENUE, CLEARFIELD, PA 16830

IS SERIOUSLY IN DEFAULT because:

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

Regular payment of \$ 404.99 each for the months of NOVEMBER, 2000 through APRIL, 2001

Other charges (explain): Title search costs of \$75.00

TOTAL AMOUNT PAST DUE: \$ 2,504.94

B. YOU HAVE FAILED TO TAKE THE FOLLOWING ACTION (EXPLAIN):
N/A

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 IS \$ 2,504.94, 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:

Wendy Perry, Foreclosure Administrator
EQUICREDIT CORPORATION OF AMERICA
10401 Deerwood Park Boulevard, Mail Code #FL9-015-02-14
Jacksonville, FL 32256

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter:

N/A

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 a legal action to foreclose upon your mortgage 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 (1) hour before the Sheriff's Sale. You may do so by paying the total amount then past due, plus any late charges 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 **five (5) 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: **NATIONSCREDIT CONSUMER DISCOUNT COMPANY**

Address: **EquiCredit Center, 10401 Deerwood Park Boulevard, Jacksonville, FL 32256**

Phone Number: **800-759-6380**

Fax Number: **904-457-4081**

Contact Person: **Wendy Perry, Foreclosure Administrator**

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 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 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.

CONSUMER CREDIT COUNSELING AGENCIES SERVING YOUR COUNTY

SEE ATTACHED.

Very truly yours,

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

Enclosure: List of Consumer Credit
Counseling Agencies

By: Andrew L. Markowitz, Esquire
Title: Attorney

NOTE: Pursuant to the Fair Debt Collection Practices Act, if you dispute, in writing, this debt or any portion thereof, we will obtain and mail to you verification of same and the name and address of the original creditor, if different. If you do not dispute this debt within thirty (30) days after receipt of this letter, it will be assumed to be valid.

This communication is an attempt to collect a debt. Any information obtained hereby will be used for that purpose.

845 Coates St
Coatesville, PA 19320
(888) 212-6741

American Credit Counseling Institute

144 E Dekalb Pike
King of Prussia, PA 19406
(610) 971-2210
FAX (610) 265-4814

755 York Rd, Suite 103
Warminster, PA 18974
(215) 444-9429
FAX (215) 956-6344

CCCS of Western Pennsylvania, Inc.
YMCA Building
339 North Washington Street
Butler, PA 16001
(412) 282-7812

CLARION COUNTY

Keystone Economic Development Corporation
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556
FAX (814) 539-1688

CCCS of Western Pennsylvania, Inc.
217 E. Plank Road
Altoona, PA 16602
(814) 944-8100
FAX (814) 944-5747

CLEARFIELD COUNTY

Indiana Co. Community Action Program
827 Water Street, Box 187
Indiana, PA 15701
(724) 465-2657
FAX (724) 465-5118

CCCS of Northeastern PA
1631 S Atherton St
Suite 100
State College, PA 16801
(814) 238-3668
FAX (814) 238-3669

2870

STATEMENTS OF POLICY

CCCS of Western PA
219-A College Park Plaza
Johnstown, PA 15904
(814) 539-6335

Lycoming-Clinton Counties
Commission For Community Action (STEP)
2138 Lincoln Street
P. O. Box 1328
Williamsport, PA 17703
(570) 326-0587
FAX (570) 322-2197

CCCS of Northeastern PA
201 Basin Street
Williamsport, PA 17703
(570) 323-6627
FAX (570) 323-6626

CLINTON COUNTY

CCCS of Northeastern PA
1631 S Atherton St
Suite 100
State College, PA 16801
(814) 238-3668
FAX (814) 238-3669

COLUMBIA COUNTY

CCCS of Northeastern Pennsylvania

31 W. Market Street
POB 1127
Wilkes-Barre, PA 18702
(570) 821-0837 or (800) 922-9537
FAX (570) 821-1785

1400 Abington Executive Park
Suite 1
Clarks Summitt PA 18411
(570) 587-9163 or (800) 922-9537
FAX (570) 587-9134/9135

Commission on Economics Opportunity of Luzerne County
163 Amber Lane
Wilkes-Barre, PA 18702
(570) 826-0510 or (800) 822-0359
FAX (570) 829-1665—CALL BEFORE FAXING
(570) 455-4994 HAZELTON
FAX (570) 455-5631—CALL BEFORE FAXING
(570) 836-4090 TUNKHANNOCK

CRAWFORD COUNTY

Booker T. Washington Center
1720 Holland Street
Erie, PA 16503
(814) 453-5744

Greater Erie Community Action Committee
18 West 9th Street
Erie, PA 16501

FILED

JUN 15 2001

11:30 AM

William A. Shaw
Prothonotary

2 copies TO STEN.ER

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11120

NATIONSCREDIT CONSUMER DISCOUNT COMPANY

01-946-CD

VS.

TIMKO, RONALD J. & KATHY C.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW JUNE 20, 2001 AT 3:30 PM DST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KATHY C. TIMKO, DEFENDANT AT RESIDENCE, 12 B CEMETERY ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KATHY TIMKO A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

NOW JUNE 20, 2001 AT 3:30 PM DST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RONALD J. TIMKO, DEFENDANT AT RESIDENCE, 12 B CEMETERY ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KATHY TIMKO, WIFE, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

Return Costs

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

FILED

JUN 22 2001
01350 pm
William A. Shaw
Prothonotary
Ernest

Sworn to Before Me This

22nd Day Of June 2001


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

So Answers,


Chester A. Hawkins
Sheriff

MARKOWITZ & MARKOWITZ

Andrew L. Markowitz, Esquire
PA Attorney ID #28009
PO Box 373
Lahaska, PA 18931-0373
Tel.: (215) 297-0411

Attorneys for Plaintiff

NATIONSCREDIT CONSUMER	:	COURT OF COMMON PLEAS
DISCOUNT COMPANY	:	CLEARFIELD COUNTY, PA
vs.	:	
RONALD J. TIMKO	:	NO. 2001-946-CD
KATHY C. TIMKO	:	IN MORTGAGE FORECLOSURE

PRAECIPE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter default judgment against defendants, RONALD J. TIMKO and KATHY C. TIMKO, for failure to answer or respond to the Complaint within the time required by the Pennsylvania Rules of Civil Procedure. Pursuant to Rule 1037 and 1141 of the Pennsylvania Rules of Civil Procedure, kindly assess damages as follows:

\$ 46,475.13	(principal balance)
\$ 1,841.73	(accrued interest through 04/19/01)
	(additional accrued interest from
\$ 2,067.00	04/20/01 to Jdg @ \$10.60 per diem)
\$ 800.00	(attorney's fees estimated for foreclosure)
\$ 75.00	(prior costs and fees)
<hr/>	
\$ 51,258.86	(total amount due)

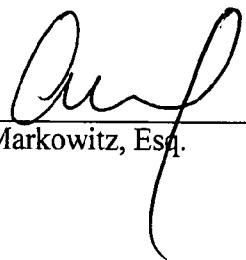
FILED

NOV 05 2001

William A. Shaw
Prothonotary

By:

Andrew L. Markowitz, Esq.



OFFICE OF THE PROTHONOTARY

COURT OF COMMON PLEAS

Courthouse, Clearfield, PA 16830

PROTHONOTARY

To: Ronald J. Timko
Kathy C. Timko
704 Crozier Avenue
Clearfield, PA 16830

NATIONSCREDIT CONSUMER DISCOUNT COMPANY	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY, PA
vs.	:	
RONALD J. TIMKO	:	NO. 2001-946-CD
KATHY C. TIMKO	:	IN MORTGAGE FORECLOSURE

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, Andrew L. Markowitz, Esquire at this telephone number: 215-297-0411.

MARKOWITZ & MARKOWITZ
Andrew L. Markowitz, Esquire
PA Attorney ID #28009
PO Box 373
Lahaska, PA 18931-0373
Tel.: (215) 297-0411

Attorneys for Plaintiff

NATIONSCREDIT CONSUMER DISCOUNT COMPANY	:	COURT OF COMMON PLEAS CLEARFIELD COUNTY, PA
vs.	:	
RONALD J. TIMKO	:	NO. 2001-946-CD
KATHY C. TIMKO	:	IN MORTGAGE FORECLOSURE

AFFIDAVIT OF NON-MILITARY SERVICE

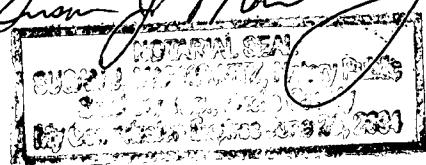
COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD:

I, ANDREW L. MARKOWITZ, being duly sworn according to law, hereby deposes and says that the defendants, RONALD J. TIMKO and KATHY C. TIMKO, are over the age of twenty-one years and that defendants are not in the military service or naval service of the United States or its Allies or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act amended, and that defendants reside at 704 CROZIER AVENUE, CLEARFIELD, PA 16830.

Sworn to and subscribed before
me this 1st day of NOV, 2001


ANDREW L. MARKOWITZ, ESQ.



MARKOWITZ & MARKOWITZ

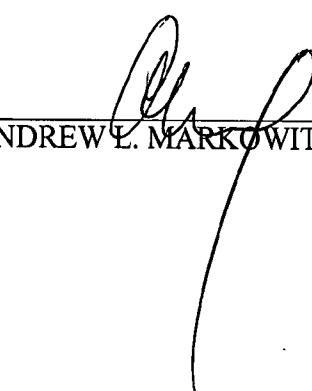
Andrew L. Markowitz, Esquire
PA Attorney ID #28009
PO Box 373
Lahaska, PA 18931-0373
Tel.: (215) 297-0411

Attorneys for Plaintiff

NATIONSCREDIT CONSUMER DISCOUNT COMPANY	:	COURT OF COMMON PLEAS CLEARFIELD COUNTY, PA
vs.	:	
RONALD J. TIMKO	:	NO. 2001-946-CD
KATHY C. TIMKO	:	IN MORTGAGE FORECLOSURE

CERTIFICATE OF COUNSEL

I, ANDREW L. MARKOWITZ, counsel for plaintiff in the above matter, do hereby certify that I cause a copy of the accompanying ten-day notice of default to be served on defendants, RONALD J. TIMKO and KATHY C. TIMKO, by placing a copy of same, on OCTOBER 10, 2001, in the United States mails, postage pre-paid, addressed to defendants at their last know residence of 704 CROZIER AVENUE, CLEARFIELD, PA 16830.


ANDREW L. MARKOWITZ, ESQ.



OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

JOHN XXXXXXXXXX
PROTHONOTARY

Courthouse, One North Second Street
Clearfield, PA 16830

To: RONALD J. TIMKO
KATHY C. TIMKO
704 Crozier Avenue
Clearfield, PA 16830

Date of Notice: OCTOBER 10, 2001

Certified Mail No. _____

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

vs.
RONALD J. TIMKO
KATHY C. TIMKO

: COURT OF COMMON PLEAS
(~~Penns~~ County)
CLEARFIELD

: _____ Term, 19 _____
: _____
: No. 2001-946-CD

NOTICE, RULE 237.1

IMPORTANT NOTICE

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

NOTICE: This law firm is a debt collector and is attempting to collect a debt on plaintiff's behalf. Any information obtained will be used for such purpose.

Lawyer Reference Service
David S. Meholic, Court Administrator
132 Chestnut Street
Clearfield, Pennsylvania
Second Street, Clearfield, PA 16830

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

Andrew L. Markowitz, Esquire

(Name of Attorney or Plaintiff)

P. O. Box 373, Lahaska, PA. 18931

(Attorney's or Plaintiff's Address)

at this telephone number: 215-297-0411

FILED

NOV 05 2001

11/3 131
William A. Sharpe
Prothonotary

2 CC to Pet's

JK

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

Nationscredit Consumer Discount Company
Plaintiff(s)

No.: 2001-00946-CD

Real Debt: \$51,258.86

Atty's Comm:

Vs.

Costs: \$

Int. From:

Ronald J. Timko
Kathy C. Timko
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 5, 2001

Expires: November 5, 2006

Certified from the record this 5th day of November, 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

NATIONSCREDIT CONSUMER :
DISCOUNT COMPANY :
:
vs. :
RONALD J. TIMKO : NO. 2001-946-CD
KATHY C. TIMKO :
:

PRAECIPE FOR WRIT OF EXECUTION – MORTGAGE FORECLOSURE

To the Prothonotary:

Issue writ of execution in the above matter:

Amount	\$ 51,258.86
Interest accrued	\$
from 11/5/01 to Date of Sale @ 8.43 per diem	\$
<u>Other costs</u>	\$
Total	\$

NOTE: Please attach description of property.


ANDREW L. MARKOWITZ, ESQ.
Attorney for Plaintiff
PO BOX 373
LAHASKA, PA 18931-0373
215-297-0411

FILED

MAR 20 2002

William A. Shaw
Prothonotary

PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, together with the building and improvements thereon situate, lying and being in the Third Ward of the Borough of Clearfield, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe distant 76.39 feet, North 6 degrees 25 minutes West of a cut stone monument set in the Northerly side of Hannah Street, distant South 88 degrees 18 minutes West approximately 89.71 feet from the Northwesterly intersection of Hannah Street and Crozier Avenue, thence along the following four (4) courses and distances:

1. Thence North 6 degrees 25 minutes West 39.505 feet to the dividing line of the double house situate on what is known as 704-706 Crozier Avenue;
2. Thence through the wall dividing said double house North 63 degrees 35 minutes East 89.40 feet to Crozier Avenue;
3. Thence along Crozier Avenue, South 6 degrees 25 minutes East 39.505 feet to an iron pipe;
4. Thence South 83 degrees 35 minutes West 89.40 feet to an iron pipe, the point or place of beginning.

BEING known as 704 Crozier Avenue.

BEING tax parcel # K08-210-00041.

BEING the same premises which Ronald J. and Kathy C. Timko, husband and wife, by Deed dated 9/23/1986 and recorded 9/24/1986 in the Office for the Recording of Deeds in and for Clearfield County in Deed Book 1110, page 367, granted and conveyed unto Ronald J. and Kathy C. Timko, husband and wife, in fee.

TOGETHER with improvements consisting of residential, single-family dwelling.

SEIZED and taken in execution as the property of Ronald J. Timko and Kathy C. Timko under Judgment No. 2001-946 CD.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONSCREDIT CONSUMER :
DISCOUNT COMPANY :
:
vs. :
RONALD J. TIMKO : NO. 2001-946-CD
KATHY C. TIMKO :
:

AFFIDAVIT PURSUANT TO RULE 3129.1

NATIONSCREDIT CONSUMER DISCOUNT COMPANY, plaintiff in the above action, sets forth as of the date the praecipe for the Writ of Execution was filed to following information concerning the real property at 704 CROZIER AVENUE, BOROUGH OF CLEARFIELD, CLEARFIELD, PA 16830.

1. Name and address of Owner(s) or Reputed Owner(s):

Ronald J. Timko 704 Crozier Avenue
Kathy C. Timko Clearfield, PA 16830

2. Name and address of Defendant(s) in the Judgment:

Ronald J. Timko 704 Crozier Avenue
Kathy C. Timko Clearfield, PA 16830

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

NONE OTHER

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

Conseco Finance CDC Yankee Drive, Suite 400
Eagan, MN 55121

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

NONE OTHER

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:

NONE OTHER

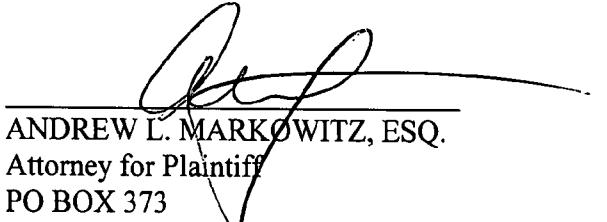
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Domestic Relations Section
Court of Common Pleas

Courthouse
One North 2nd Street
Clearfield, PA 16830

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. Sec. 4904 relating to unsworn falsification to authorities.

Date: March 18, 2002


ANDREW L. MARKOWITZ, ESQ.
Attorney for Plaintiff
PO BOX 373
LAHASKA, PA 18931
215-297-0411

MARKOWITZ & MARKOWITZ
Andrew L. Markowitz, Esquire
PA Attorney ID #28009
PO Box 373
Lahaska, PA 18931-0373
Tel.: (215) 297-0411

Attorneys for Plaintiff

NATIONSCREDIT CONSUMER	:	COURT OF COMMON PLEAS
DISCOUNT COMPANY	:	CLEARFIELD COUNTY, PA
vs.	:	
RONALD J. TIMKO	:	NO. 2001-946-CD
KATHY C. TIMKO	:	

CERTIFICATION AS TO THE SALE OF REAL PROPERTY

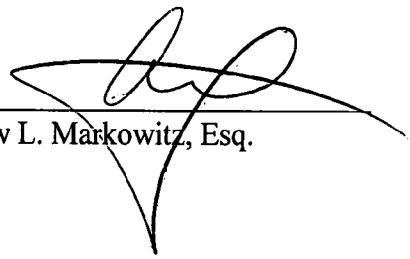
TO THE SHERIFF:

I hereby certify that I am counsel for plaintiff in the above matter against real property
and further certify this property is:

[] Not subject to Act 91

[XXX] Is subject to Act 91 of 1983 and that plaintiff has complied with all
provisions of said Act.

I further agree to indemnify and hold harmless the Sheriff for any false statement given
herein.


Andrew L. Markowitz, Esq.

FILED

MAR 28 2002

O/l/iso ^{att'y} Makowitz
William A. Shaw
Prothonotary

pd \$20.00

louis shaw

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

vs.

RONALD J. TIMKO
KATHY C. TIMKO

COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. 2001-946-CD

WRIT OF EXECUTION
(Mortgage Foreclosure)

COPY

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):

ALL real property and improvements located at 704 CROZIER AVENUE, BOROUGH OF CLEARFIELD, CLEARFIELD, PA 16830.

BEING Parcel No. K08-210-00041, and as more fully described in attached description.

Amount	\$ 51,258.86
Interest accrued	
from 11/05/01 to Date of Sale	\$
Other costs @8.43 per diem	\$
<hr/>	
Total	\$
Prothonotary Costs:	\$ 120.00



Prothonotary, Common Pleas Court of
Clearfield County, Penna.

Dated 3-28-02

(SEAL)

By: _____
Agent

CCPA
No. 2001-946-CD

Term 19

IN THE COURT OF COMMON PLEAS
OF
CLEARFIELD COUNTY

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY
Plaintiffs
vs.
RONALD J. TIMKO and
KATHY J. TIMKO
Defendants

WRIT OF EXECUTION
(Mortgage Foreclosure)

AO
ANDREW L. MARKOWITZ, ESQ.
Attorney for Plaintiff
PO BOX 373
LAHASKA, PA 18931
215-297-0411

Premises: 704 Crozier Avenue
Clearfield, PA 16830

PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, together with the building and improvements thereon situate, lying and being in the Third Ward of the Borough of Clearfield, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe distant 76.39 feet, North 6 degrees 25 minutes West of a cut stone monument set in the Northerly side of Hannah Street, distant South 88 degrees 18 minutes West approximately 89.71 feet from the Northwesterly intersection of Hannah Street and Crozier Avenue, thence along the following four (4) courses and distances:

1. Thence North 6 degrees 25 minutes West 39.505 feet to the dividing line of the double house situate on what is known as 704-706 Crozier Avenue;
2. Thence through the wall dividing said double house North 63 degrees 35 minutes East 89.40 feet to Crozier Avenue;
3. Thence along Crozier Avenue, South 6 degrees 25 minutes East 39.505 feet to an iron pipe;
4. Thence South 83 degrees 35 minutes West 89.40 feet to an iron pipe, the point or place of beginning.

BEING known as 704 Crozier Avenue.

BEING tax parcel # K08-210-00041.

BEING the same premises which Ronald J. and Kathy C. Timko, husband and wife, by Deed dated 9/23/1986 and recorded 9/24/1986 in the Office for the Recording of Deeds in and for Clearfield County in Deed Book 1110, page 367, granted and conveyed unto Ronald J. and Kathy C. Timko, husband and wife, in fee.

TOGETHER with improvements consisting of residential, single-family dwelling.

SEIZED and taken in execution as the property of Ronald J. Timko and Kathy C. Timko under Judgment No. 2001-946 CD.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

VS.

RONALD J. TIMKO
KATHY C. TIMKO

NO. 2001-946-CD

RE-ISSUE OF
PRAECIPE FOR WRIT OF EXECUTION - MORTGAGE FORECLOSURE

To the Prothonotary:

Re-Issue writ of execution in the above matter:

Amount	\$	51,258.86
Interest accrued		
from 11/5/01 to Date of Sale <u>Other costs</u>	@ 8.43 per diem	\$
Total		\$

Prothonotary costs

127.00

AM

NOTE: Please attach description of property.

ANDREW L. MARKOWITZ, ESQ.
Attorney for Plaintiff
PO BOX 373
LAHASKA, PA 18931-0373
215-297-0411

FILED

DEC 02 2002

William A. Shaw
Prothonotary

PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, together with the building and improvements thereon situate, lying and being in the Third Ward of the Borough of Clearfield, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe distant 76.39 feet, North 6 degrees 25 minutes West of a cut stone monument set in the Northerly side of Hannah Street, distant South 88 degrees 18 minutes West approximately 89.71 feet from the Northwesterly intersection of Hannah Street and Crozier Avenue, thence along the following four (4) courses and distances:

1. Thence North 6 degrees 25 minutes West 39.505 feet to the dividing line of the double house situate on what is known as 704-706 Crozier Avenue;
2. Thence through the wall dividing said double house North 63 degrees 35 minutes East 89.40 feet to Crozier Avenue;
3. Thence along Crozier Avenue, South 6 degrees 25 minutes East 39.505 feet to an iron pipe;
4. Thence South 83 degrees 35 minutes West 89.40 feet to an iron pipe, the point or place of beginning.

BEING known as 704 Crozier Avenue.

BEING tax parcel # K08-210-00041.

BEING the same premises which Ronald J. and Kathy C. Timko, husband and wife, by Deed dated 9/23/1986 and recorded 9/24/1986 in the Office for the Recording of Deeds in and for Clearfield County in Deed Book 1110, page 367, granted and conveyed unto Ronald J. and Kathy C. Timko, husband and wife, in fee.

TOGETHER with improvements consisting of residential, single-family dwelling.

SEIZED and taken in execution as the property of Ronald J. Timko and Kathy C. Timko under Judgment No. 2001-946 CD.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

vs.

RONALD J. TIMKO
KATHY C. TIMKO

NO. 2001-946-CD

AFFIDAVIT PURSUANT TO RULE 3129.1

NATIONSCREDIT CONSUMER DISCOUNT COMPANY, plaintiff in the above action, sets forth as of the date the praecipe for the Writ of Execution was filed to following information concerning the real property at 704 CROZIER AVENUE, BOROUGH OF CLEARFIELD, CLEARFIELD, PA 16830.

1. Name and address of Owner(s) or Reputed Owner(s):

Ronald J. Timko
Kathy C. Timko

704 Crozier Avenue
Clearfield, PA 16830

2. Name and address of Defendant(s) in the Judgment:

Ronald J. Timko
Kathy C. Timko

704 Crozier Avenue
Clearfield, PA 16830

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

NONE OTHER

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

Conseco Finance CDC

Yankee Drive, Suite 400
Eagan, MN 55121

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

NONE OTHER

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:

NONE OTHER

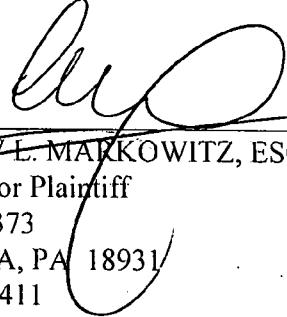
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Domestic Relations Section
Court of Common Pleas

Courthouse
One North 2nd Street
Clearfield, PA 16830

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. Sec. 4904 relating to unsworn falsification to authorities.

Date: November 26, 2002


ANDREW L. MARKOWITZ, ESQ.
Attorney for Plaintiff
PO BOX 373
LAHASKA, PA 18931
215-297-0411

MARKOWITZ & MARKOWITZ
Andrew L. Markowitz, Esquire
PA Attorney ID #28009
PO Box 373
Lahaska, PA 18931-0373
Tel.: (215) 297-0411

Attorneys for Plaintiff

NATIONSCREDIT CONSUMER	:	COURT OF COMMON PLEAS
DISCOUNT COMPANY	:	CLEARFIELD COUNTY, PA
vs.	:	
RONALD J. TIMKO	:	NO. 2001-946-CD
KATHY C. TIMKO	:	

CERTIFICATION AS TO THE SALE OF REAL PROPERTY

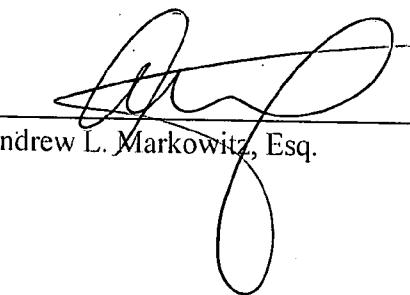
TO THE SHERIFF:

I hereby certify that I am counsel for plaintiff in the above matter against real property and further certify this property is:

[] Not subject to Act 91

[XXX] Is subject to Act 91 of 1983 and that plaintiff has complied with all provisions of said Act.

I further agree to indemnify and hold harmless the Sheriff for any false statement given herein.


Andrew L. Markowitz, Esq.

FILED

Aug pd. 7.00

M/10/2002
02 2002

William A. Shaw vs. W. property descr.

to Shff

copy of front page of process
to Shff

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

vs.

RONALD J. TIMKO
KATHY C. TIMKO

: COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA.
:
:
: NO. 2001-946-CD
:
: WRIT OF EXECUTION
(Mortgage Foreclosure)

COPY

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):

ALL real property and improvements located at 704 CROZIER AVENUE, BOROUGH OF CLEARFIELD, CLEARFIELD, PA 16830. IMPROVEMENTS consisting of residential, single-family dwelling.

BEING Parcel No. K08-210-00041, and as more fully described in attached description.

Amount	\$ 51,258.86
Interest accrued	
from 11/05/01 to Date of Sale	\$
Other costs @8.43 per diem	\$
Total	\$

Prothonotary costs 127.00



Prothonotary, Common Pleas Court of
Clearfield County, Penna.

Dated December 2, 2002

(SEAL)



Agent

IN THE COURT OF COMMON PLEAS
OF
CLEARFIELD COUNTY

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

Plaintiffs

vs.

RONALD J. TMKO and
KATHY J. TMKO

Defendants

WRIT OF EXECUTION
(Mortgage Foreclosure)



ANDREW L. MARKOWITZ, ESQ.

Attorney for Plaintiff
PO BOX 373
LAHASKA, PA 18931
215-297-0411

Premises: 704 Crozier Avenue
Clearfield, PA 16830

PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, together with the building and improvements thereon situate, lying and being in the Third Ward of the Borough of Clearfield, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe distant 76.39 feet, North 6 degrees 25 minutes West of a cut stone monument set in the Northerly side of Hannah Street, distant South 88 degrees 18 minutes West approximately 89.71 feet from the Northwesterly intersection of Hannah Street and Crozier Avenue, thence along the following four (4) courses and distances:

1. Thence North 6 degrees 25 minutes West 39.505 feet to the dividing line of the double house situate on what is known as 704-706 Crozier Avenue;
2. Thence through the wall dividing said double house North 63 degrees 35 minutes East 89.40 feet to Crozier Avenue;
3. Thence along Crozier Avenue, South 6 degrees 25 minutes East 39.505 feet to an iron pipe;
4. Thence South 83 degrees 35 minutes West 89.40 feet to an iron pipe, the point or place of beginning.

BEING known as 704 Crozier Avenue.

BEING tax parcel # K08-210-00041.

BEING the same premises which Ronald J. and Kathy C. Timko, husband and wife, by Deed dated 9/23/1986 and recorded 9/24/1986 in the Office for the Recording of Deeds in and for Clearfield County in Deed Book 1110, page 367, granted and conveyed unto Ronald J. and Kathy C. Timko, husband and wife, in fee.

TOGETHER with improvements consisting of residential, single-family dwelling.

SEIZED and taken in execution as the property of Ronald J. Timko and Kathy C. Timko under Judgment No. 2001-946 CD.

MARKOWITZ & MARKOWITZ
By: Andrew L. Markowitz, Esquire
PA Attorney I.D. #28009
P. O. Box 373
Lahaska, PA 18931
TEL: (215)-297-0411
FAX: (215) 297-5932

Attorneys for Plaintiff

FILED

MAR 11 2003

**William A. Shaw
Prothonotary**

FV-1, INC., as successor to	:	COURT OF COMMON PLEAS
NATIONSCREDIT CONSUMER	:	CLEARFIELD COUNTY
DISCOUNT COMPANY	:	CIVIL DIVISION – LAW
	:	
v.	:	NO. 2001-946 C.D.
	:	
RONALD J. TIMKO and	:	IN MORTGAGE FORECLOSURE
KATHY J. TIMKO	:	

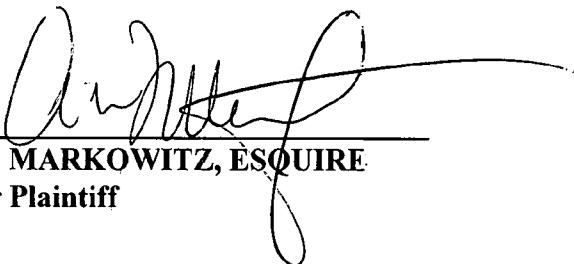
SUBSTITUTION OF PARTIES UNDER RULE 2352(a) PA. R.C.P.

TO THE PROTHONOTARY:

Kindly substitute FV-1, INC. as successor to NATIONSCREDIT CONSUMER
DISCOUNT COMPANY (hereinafter "NATIONSCREDIT"), plaintiff in the above matter regarding
the real property located at 704 Crozier Avenue, Clearfield, PA 16830, for all purposes in
connection with the above captioned matter. The basis for this substitution is an Assignment of
Mortgage delivered by NATIONSCREDIT to FV-1, INC., such assignment being duly recorded in
the Office for the Recorder of Deeds in and for Clearfield County on October 7, 2002 as Instrument
Number 200216213 and incorporated herein by reference.

WHEREFORE, it is respectfully requested that FV-1, INC. be substituted for NATIONSCREDIT CONSUMER DISCOUNT COMPANY as party plaintiff for all purposes in connection with this matter.

MARKOWITZ & MARKOWITZ

By: 

ANDREW L. MARKOWITZ, ESQUIRE
Attorneys for Plaintiff

FILED

NO

CC

1:00 P.M.
MAR 11 2003

CC

CC

William A. Shaw
Prothonotary

MARKOWITZ & MARKOWITZ
By: Andrew L. Markowitz, Esquire
PA Attorney ID #28009
P.O. Box 373
Lahaska, PA 18931-0373
TEL: (215) 297-0411
FAX: (215) 297-5932

Attorneys for Plaintiff

FILED

MAR 11 2003

William A. Shaw
Prothonotary

**FV-1, INC., as successor to
NATIONSCREDIT CONSUMER
DISCOUNT COMPANY**

v.

**RONALD J. TIMKO and
KATHY J. TIMKO**

: **COURT OF COMMON PLEAS**
: **CLEARFIELD COUNTY**
:
: **CIVIL DIVISION - LAW**
:
: **NO. 2001- 946 C.D.**
:
: **IN MORTGAGE FORECLOSURE**

**AFFIDAVIT OF SERVICE IN ACCORDANCE
WITH RULE 3129.2(c) PA. R. C. P.**

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF BUCKS:

I, ANDREW L. MARKOWITZ, being duly sworn according to law, hereby depose and say that I am counsel for plaintiff, FV-1, INC., as successor to NATIONSCREDIT CONSUMER DISCOUNT COMPANY in the above matter, and that I have caused notice of the execution sale of the real property located at 704 Crozer Avenue, Clearfield, PA 16830, to be served on the 5th day

of March, 2003, in accordance with Rule 3129.2 (c)(1)(iii), on the following persons, by first class mail, postage pre-paid, addressed as indicated:

- 1) CONSECO FINANCE CONSUMER
DISCOUNT COMPANY
Yankee Drive, Suite 400
Eagan, MN 55121

- 2) CONSECO FINANCE CONSUMER
DISCOUNT COMPANY
1155 Centre Pointe Drive
Suite 7
Mendota Heights, MN 55120

- 3) DOMESTIC RELATIONS SECTION
COURT OF COMMON PLEAS
230 East Market Street
Clearfield, PA 16830

- 4) DEPARTMENT OF PUBLIC WELFARE
Attn: Legal Department
Health & Welfare Building
P. O. Box 2675
Harrisburg, PA 17105-2675

Attached hereto and made a part hereof are the certificates of mailing and return receipts for certified mail referred to above.

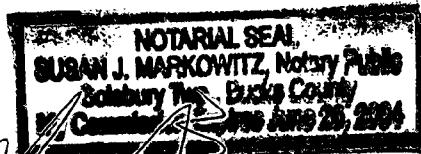


ANDREW L. MARKOWITZ, ESQUIRE

Sworn to and subscribed
before me this 5th day

of MARCH 2003.

Notary Public

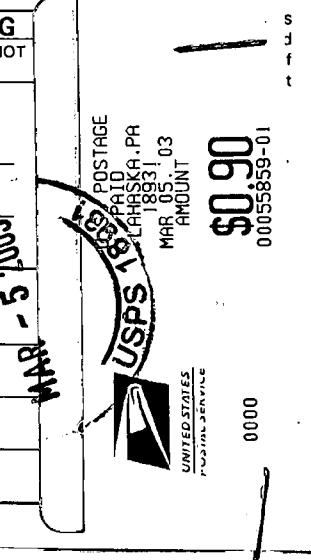


U.S. POSTAL SERVICE CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER

Received From:
Andrew L. Markowitz, Esq.
P. O. Box 373
Lahaska, PA 18931

One piece of ordinary mail addressed to:
CONSECO FINANCE CONSUMER
DISCOUNT COMPANY
Yankee Drive, Suite 400
Eagan, MN 55121

PS Form 3817, Mar. 1989

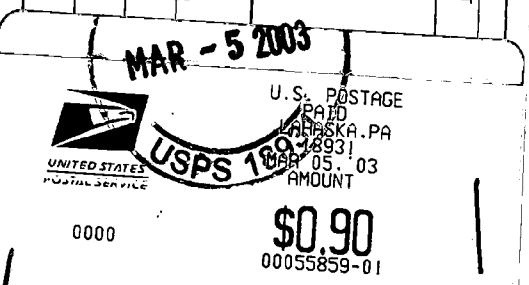


U.S. POSTAL SERVICE CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER

Received From:
Andrew L. Markowitz, Esq.
P. O. Box 373
Lahaska, PA 18931

One piece of ordinary mail addressed to:
DEPARTMENT OF PUBLIC WELFARE
Attn: Legal Department
Health & Welfare Building
P.O. Box 2675
Harrisburg, PA 17105-2675

PS Form 3817, Mar. 1989



U.S. POSTAL SERVICE CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER

Received From:
Andrew L. Markowitz, Esq.
P. O. Box 373
Lahaska, PA 18931

One piece of ordinary mail addressed to:
CONSECO FINANCE CONSUMER
DISCOUNT COMPANY
1155 Centre Pointe Drive
Suite 7
Mendota Heights, MN 55120

PS Form 3817, Mar. 1989

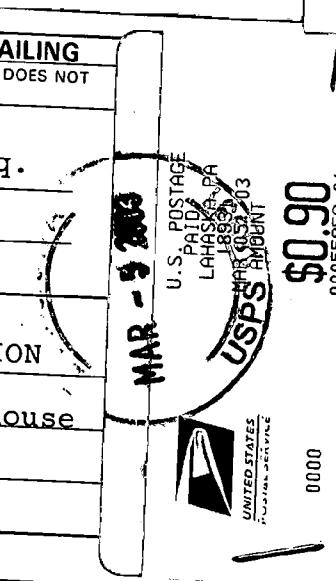


U.S. POSTAL SERVICE CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER

Received From:
Andrew L. Markowitz, Esq.
P. O. Box 373
Lahaska, PA 18931

One piece of ordinary mail addressed to:
DOMESTIC RELATIONS SECTION
COURT OF COMMON PLEAS
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

PS Form 3817, Mar. 1989



FILED

NO
CC
E
JET
MAR 11 2003

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13490

NATIONSCREDIT CONSUMER DISCOUNT COMPANY

01-946-CD

VS.

TIMKO, RONALD J.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, JANUARY 9, 2003 @ 9th20 A.M. A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS ALSO POSTED THIS DATE.

A SALE DATE OF MARCH 7, 2003 WAS SET.

NOW, JANUARY 10, 2003 SERVICE NOT MADE HOUSE EMPTY.

NOW, FEBRUARY 3, 2003 SERVICE TRIED AT NEW ADDRESS NOTE WAS LEFT.

NOW, MARCH 3, 2003 @ 1:00 P.M. O'CLOCK SERVED RONALD J. TIMKO, DEFENDANT, AT THE SHERIFF'S OFFICE, CLEARFIELD COUNTY COURT HOUSE, ONE NORTH SECOND STREET, SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RONALD J. TIMKO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY AND MAKING KNOWN TO HIM THE CONTENTS THEREOF.

FILED
01/14/03
MAY 19 2003
SAC

William A. Shaw
Prothonotary

NOW, MARCH 3, 2003 @ 1:00 P.M. O'CLOCK SERVED KATHY C. TIMKO, (DECEASED)DEFENDANT, AT THE SEHRIFF'S OFFICE, CLEARFIELD COUNTY COURT HOUSE, ONE NORTH SECOND STREET, SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDIING TO RONALD J. TIMKO, HUSBAND/DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF LEVY AND MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, MARCH 5, 2003 RECEIVED A FAX FROM PLAINTIFF ATTORNEY TO POSTPONE THE SALE TO APRIL 4, 2003.

NOW, APRIL 4, 2003 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANTS, THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$1.00 + COSTS.

NOW, MAY 13, 2003 PAID COSTS FROM ADVANCE AND MADE REFUND OF UNUSED ADVANCE TO THE ATTORNEY.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13490

NATIONSCREDIT CONSUMER DISCOUNT COMPANY

01-946-CD

VS.

TIMKO, RONALD J.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

**NOW, MAY 19, 2003 RETURN WRIT AS SALE BEING HELD ON THE PROPERTY OF
THE DEFENDANTS. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR
\$1.00 + COSTS.**

NOW, MAY 19, 2003 DEED WAS FILED.

SHERIFF HAWKINS \$ 223.18

SURCHARGE \$40.00

PAID BY ATTORNEY

Sworn to Before Me This

19th Day Of May 2003

Will A. Shaw

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

So Answers,

Chester A. Hawkins
By Cynthia Butler-Augustine
Chester A. Hawkins
Sheriff

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

vs.

RONALD J. TIMKO
KATHY C. TIMKO

COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. 2001-946-CD

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania
County of Clearfield

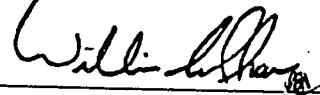
TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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):

ALL real property and improvements located at 704 CROZIER AVENUE, BOROUGH OF CLEARFIELD, CLEARFIELD, PA 16830. IMPROVEMENTS consisting of residential, single-family dwelling.
BEING Parcel No. K08-210-00041, and as more fully described in attached description.

Amount	\$ 51,258.86
Interest accrued	
from 11/05/01 to Date of Sale	\$
<u>Other costs</u> @ 8.43 per diem	\$
Total	\$

Prothonotary costs 127.00


William H. Hargan
Prothonotary, Common Pleas Court of
Clearfield County, Penna.

Dated December 2, 2002

(SEAL)

By

Agent

Received 12-2-02 @ 12:30 P.M.

Chesler A. Hawkins

By Cynthia Butler-Augustine

5
No. 2001-946-CD

Term 19

IN THE COURT OF COMMON PLEAS
OF
CLEARFIELD COUNTY

NATIONSCREDIT CONSUMER
DISCOUNT COMPANY

Plaintiffs

vs.

RONALD J. TIMKO and
KATHY J. TIMKO

Defendants

WRIT OF EXECUTION
(Mortgage Foreclosure)



ANDREW L. MARKOWITZ, ESQ.

Attorney for Plaintiff

PO BOX 373
LAHASKA, PA 18931
215-297-0411

Premises: 704 Crozier Avenue
Clearfield, PA 16830

PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, together with the building and improvements thereon situate, lying and being in the Third Ward of the Borough of Clearfield, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pipe distant 76.39 feet, North 6 degrees 25 minutes West of a cut stone monument set in the Northerly side of Hannah Street, distant South 88 degrees 18 minutes West approximately 89.71 feet from the Northwesterly intersection of Hannah Street and Crozier Avenue, thence along the following four (4) courses and distances:

1. Thence North 6 degrees 25 minutes West 39.505 feet to the dividing line of the double house situate on what is known as 704-706 Crozier Avenue;
2. Thence through the wall dividing said double house North 63 degrees 35 minutes East 89.40 feet to Crozier Avenue;
3. Thence along Crozier Avenue, South 6 degrees 25 minutes East 39.505 feet to an iron pipe;
4. Thence South 83 degrees 35 minutes West 89.40 feet to an iron pipe, the point or place of beginning.

BEING known as 704 Crozier Avenue.

BEING tax parcel # K08-210-00041.

BEING the same premises which Ronald J. and Kathy C. Timko, husband and wife, by Deed dated 9/23/1986 and recorded 9/24/1986 in the Office for the Recording of Deeds in and for Clearfield County in Deed Book 1110, page 367, granted and conveyed unto Ronald J. and Kathy C. Timko, husband and wife, in fee.

TOGETHER with improvements consisting of residential, single-family dwelling.

SEIZED and taken in execution as the property of Ronald J. Timko and Kathy C. Timko under Judgment No. 2001-946 CD.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME TIMKO NO. 01-946-CD

NOW, APRIL 4, 2003 , 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 for the date, time and place of sale at the Court House in Clearfield on the 4TH day of APRIL 2003, I exposed the within described real estate of RONALD J. TIMKO AND KATHY C. TIMKO to public venue or outcry at which time and place I sold the same to NATIONSCREDIT CONSUMER DISCOUNT COMPANY 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	2.00
LEVY	15.00
MILEAGE	2.00
POSTING	15.00
CSDS	10.00
COMMISSION 2%	
POSTAGE	5.18
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	8.00
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	15.00
TOTAL SHERIFF COSTS	223.18

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.00
TRANSFER TAX 2%	
TOTAL DEED COSTS	29.00

DEBIT & INTEREST:

DEBT-AMOUNT DUE	51,258.86
INTEREST FROM 11/05/01 @8.43 PER DIEM	
TO BE ADDED	TO SALE DATE
TOTAL DEBT & INTEREST	51,258.86
COSTS:	
ATTORNEY FEES	
PROTH. SATISFACTION	
ADVERTISING	330.12
LATE CHARGES & FEES	
TAXES - collector	TO 7/7/03
TAXES - tax claim	NONE
DUE	
COST OF SUIT -TO BE ADDED	
LIEN SEARCH	100.00
FORCLOSURE FEES/ESCROW DEFICIT	
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
ATTORNEY COMMISSION	
SHERIFF COSTS	223.18
LEGAL JOURNAL AD	198.00
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
PROTHONOTARY	127.00
MORTGAGE SEARCH	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
MUNICIPAL LIEN	
TOTAL COSTS	1,372.30

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

CHESTER A. HAWKINS, Sheriff

FROM :

FAX NO. :

Feb. 17 2001 10:37PM P3

MARKOWITZ & MARKOWITZ

ATTORNEYS AT LAW

ANDREW L. MARKOWITZ
SUSAN J. MARKOWITZ

P.O. BOX 373
LAHASKA, PENNSYLVANIA 18831
(215) 297-0411
FAX 215-297-5932

March 5, 2003

OFFICE OF THE SHERIFF
Real Estate Division
Clearfield County Courthouse
One North 2nd Street
Clearfield, PA 16830

Attn: Cynthia

Re: FV-1, INC. as successor to NationsCredit CDC
vs. Ronald J. Timko and Kathy C. Timko
CCP Clearfield County No. 01-946 CD

Dear Sheriff:

As attorney for the plaintiff on the above writ,
this letter is to request that the sale on this writ be
POSTPONED AND ADJOURNED to the APRIL 4, 2003 sale.
Please announce such adjournment at the regular sale to
be held on Friday.
Thank you for your anticipated cooperation.

Very truly yours,

ANDREW L. MARKOWITZ

ALM: bw
FAX TO
814-765-5915

P.S. Please find attached copy of Substitution
of Plaintiff being forwarded tomorrow to the
Prothonotary's office for filing. Thank you.

ALM