

01-1155-CD
MANUFACTURERS AND TRADERS TRUST -vs- ORVIS R. COLLINASH et al
COMPANY

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

MANUFACTURERS AND
TRADERS TRUST COMPANY
TRUSTEE FOR SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99
3815 SOUTHWEST TEMPLE
SALT LAKE CITY, UT 84115

Plaintiff

v.

TERM

NO. 01-1155-CO

CLEARFIELD COUNTY

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH
RD 1 BOX 122
WESTOVER, PA 16692

Defendant(s)

FILED

JUL 18 2001

William A. Shaw
Prothonotary

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE
NOTICE

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1. Plaintiff is

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

3. On 4/21/99 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CONTIMORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage INSTRUMENT # 199906494. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 3/27/01 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$70,039.67
Interest	2,708.94
2/27/01 through 7/27/01 (Per Diem \$17.94)	
Attorney's Fees	3,501.00
Cumulative Late Charges	470.72
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Cost of Suit and Title Search	<u>550.00</u>
Subtotal	\$77,270.33
Escrow	
Credit	0.00
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Subtotal	\$ <u>0.00</u>
TOTAL	\$77,270.33

7. The attorney's fees set forth above are in conformity with the Mortgage documents and Pennsylvania Law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.00.
9. The Combined Notice has been sent to the Defendant(s) by regular and certified mail as required by 35 P.S. §1680.403c.
10. The Temporary Stay as provided by the Homeowner's Emergency Mortgage Assistance Program, Act 91 of 1983, has terminated because either:
- (i.) Defendant(s) have failed to meet with the Plaintiff or an authorized Credit Counseling Agency in accordance with Plaintiff's written Notice to Defendants;
or
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WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$77,270.33, together with interest from 7/27/01 at the rate of \$17.94 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.



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

ALL that certain piece or parcel of land situate in the Township of Burnside, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on line of land of Terry E. Kruse and northern side of Legislative Route 17003; thence West along Legislative Route 17003 104 feet to line of land of Cherry Lane Farms, Inc.; thence North along land of Cherry Lane Farms, Inc. 104 feet to a point; thence East 104 feet to line of land of Terry E. Kruse; thence South along land of Terry E. Kruse 104 feet to a point and place of beginning.

Being a 104 square lot containing one-half (1/2) acre, more or less.

RESERVING all the coal and minerals lying in, under and upon the hereinbefore described tract of land with the usual mining rights and privileges for operating and removing the same.

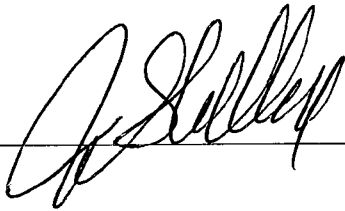
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PREMISES ON: RD 1 BOX 122

** TOTAL PAGE.003 **

VERIFICATION

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



DATE: 7-13-01

16 Oct 01 Document
~~Reinstated~~/Reissued to Sheriff/~~Attorney~~
for service.

William A. Shaw
~~Deputy~~ Prothonotary

FILED

W.A. Shaw
JUL 18 2001
William A. Shaw
Prothonotary

ack Shaw

pd 80.00

Feidman

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11266

MANUFACTURERS AND TRADERS TRUST COMPANY

01-1155-CD

VS.

COLLINASH, ORVIS R. & SHIRLEY G.

COMPLAINT IN MORTGAGE FORECLOSURE


SHERIFF RETURNS

NOW AUGUST 20, 2001 RETURN THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO ORVIS R. COLLINASH AND SHIRLEY G. COLLINASH, DEFENDANTS. NEVER RECEIVED ADDITIONAL SURCHARGE.


Return Costs

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

Sworn to Before Me This

23rd Day Of August 2001

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

So Answers,


Chester A. Hawkins
Sheriff

FILED

AUG 23 2001

William A. Shaw
Prothonotary

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FEDERMAN AND PHELAN

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Loan #: 2086835184

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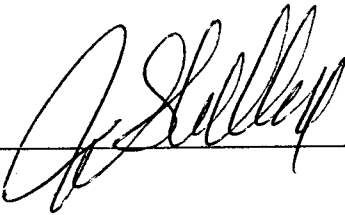
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** TOTAL PAGE.003 **

VERIFICATION

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



DATE: 7-13-01

FEDERMAN AND PHELAN
BY: FRANK FEDERMAN, ESQUIRE
Identification No. 12248
Two Penn Center Plaza, Suite 900
Philadelphia, PA 19102
(215)563-7000

Attorney for Plaintiff

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6-1-99

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Plaintiff

: Clearfield County

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

: No. 01-1155-CD

Defendants

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure
with reference to the above captioned matter.


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

Date: October 15, 2001

FILED

OCT 16 2001

William A. Shaw
Prothonotary

FILED

OCT 1 6 2001
m 11:03 AM
William A. Shaw
Prothonotary
Edman
pd \$ 7.00

10-16-01 Document
~~Reinstated~~ Reissued to Sheriff/Attorney
for services.

Deputy Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11266

MANUFACTURERS AND TRADERS TRUST COMPANY

01-1155-CD

VS.

COLLINASH, ORVIS R. & SHIRLEY G.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW OCTOBER 17, 2001 FILED AMENDED RETURN MARKING SURCHARGE PAID.

Return Costs

Cost Description

10.00 SURCHARGE: PAID BY: ATTY.

FILED
OCT 18 2001
William A. Shaw
Prothonotary

Sworn to Before Me This

18th Day Of October 2001

William A. Shaw

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

So Answers,

Chester A. Hawkins
by *Marilyn Hays*
Chester A. Hawkins
Sheriff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11266

MANUFACTURERS AND TRADERS TRUST COMPANY

01-1155-CD

VS.

COLLINASH, ORVIS R. & SHIRLEY G.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW OCTOBER 29, 2001 AT 2:00 PM EST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ORVIS R. COLLINASH, DEFENDANT AT RESIDENCE RD#1 BOX 122, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ORVIS R. COLLINASH A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: NEVLING.

NOW OCTOBER 29, 2001 AT 2:00 PM EST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SHIRLEY G. COLLINASH, DEFENDANT AT RESIDENCE, RD#1 BOX 122, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SHIRLEY G. COLLINASH A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: NEVLING.

Return Costs

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

FILED

NOV 02 2001
01/9:04am
William A. Shaw
Prothonotary

Ex
KCS

Sworn to Before Me This

2nd Day Of November 2001
[Signature]

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

So Answers,

[Signature]
by Mauley Harris
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99
3815 SOUTHWEST TEMPLE
SALT LAKE CITY, UT 84115

No.: 01-1155-CD

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH
RD 1 BOX 122
WESTOVER, PA 16692

**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against ORVIS R. COLLINASH and SHIRLEY G. COLLINASH, 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	\$77,270.33
Interest (7/27/01 to 10/28/03)	<u>14,782.56</u>
TOTAL	\$92,052.89

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


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: October 28, 2003


PRO PROTHY

SZB

FILED

OCT 28 2003

William A. Shaw
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP
FRANK FEDERMAN, ESQ., Id. No. 12248
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MANUFACTURERS AND TRADERS TRUST : COURT OF COMMON PLEAS
COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99 : CIVIL DIVISION
Plaintiff : CLEARFIELD COUNTY
Vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH
Defendants

TO: ORVIS R. COLLINASH
RD 1 BOX 122
WESTOVER, PA 16692

DATE OF NOTICE: OCTOBER 15, 2003

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

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

FRANK FEDERMAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

FEDERMAN AND PHELAN, LLP
FRANK FEDERMAN, ESQ., Id. No. 12248
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MANUFACTURERS AND TRADERS TRUST : COURT OF COMMON PLEAS
COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99 : CIVIL DIVISION
Plaintiff : CLEARFIELD COUNTY
vs. : NO. 01-1155-CD

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH
Defendants

TO: SHIRLEY G. COLLINASH
RD 1 BOX 122
WESTOVER, PA 16692

DATE OF NOTICE: OCTOBER 15, 2003

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

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

FRANK FEDERMAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

FEDERMAN AND PHELAN, LLP

By: FRANK FEDERMAN, ESQUIRE

IDENTIFICATION NO. 12248

ONE PENN CENTER AT SUBURBAN STATION

1617 JOHN F. KENNEDY BLVD., SUITE 1400

PHILADELPHIA, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

MANUFACTURERS AND TRADERS

TRUST COMPANY TRUSTEE FOR

SECURITIZATION SERIES 1999-3

AGREEMENT DATED 6/1/99

CLEARFIELD COUNTY

No.: 01-1155-CD

vs.

ORVIS R. COLLINASH

SHIRLEY G. COLLINASH

VERIFICATION OF NON-MILITARY SERVICE

FRANK FEDERMAN, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant, ORVIS R. COLLINASH, is over 18 years of age, and resides at RD 1 BOX 122, WESTOVER, PA 16692 .

(c) that defendant, SHIRLEY G. COLLINASH, is over 18 years of age, and resides at RD 1 BOX 122, WESTOVER, PA 16692.

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



FRANK FEDERMAN, ESQUIRE

FILED

MAY 29 2003

Atty. at 20:00

1cc

Notice to each Def.

William A. Shaw

Prothonotary/Clerk of Courts

Statement to Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99

No.: 01-1155-CD

Plaintiff

vs.


ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on October 28, 2003.

By: _____ DEPUTY

If you have any questions concerning this matter please contact:


FRANK FEDERMAN, ESQUIRE
Attorney or Party Filing
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

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

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

COPY

Manufacturers and Traders Trust Company
Plaintiff(s)

No.: 2001-01155-CD

Real Debt: \$92,052.89

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Orvis R. Collinash
Shirley G. Collinash
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: October 28, 2003

Expires: October 28, 2008

Certified from the record this 28th day of October, 2003.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

**MANUFACTURERS AND TRADERS TRUST
COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99**

vs.

**ORVIS R. COLLINASH
SHIRLEY G. COLLINASH**

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

No. 01-1155-CD

**PRAECIPE FOR WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

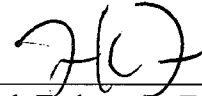
Amount Due

\$92,052.89

Interest from 10/28/03 to
Date of Sale (\$15.13 per diem)

and Costs.

127.00 Prothonotary Costs



Frank Federman, Esquire
Attorney for Plaintiff
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814

Note: Please attach description of Property.

SZB

FILED

OCT 28 2003

William A. Shaw
Prothonotary/Clerk of Courts

No. 01-1155-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS AND TRADERS TRUST
COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99

VS.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)



Attorney for Plaintiff(s)

Address: RD 1 BOX 122, WESTOVER, PA 16692
RD 1 BOX 122, WESTOVER, PA 16692
Where papers may be served.

William A. Shaw
Prothonotary/Clerk of Courts

FILED
OCT 28 2003

Atty. pd. 80.00
10096 w/13 w/ pnp disc
to sh ff

CLEARFIELD COUNTY

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99

No.: 01-1155-CD

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99, Plaintiff in the above action, by its attorney, Frank Federman,
Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information
concerning the real property located at RD 1 BOX 122, WESTOVER, PA 16692:

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

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	--

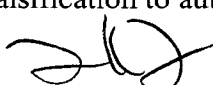
ORVIS R. COLLINASH	RD 1 BOX 122 WESTOVER, PA 16692
--------------------	------------------------------------

SHIRLEY G. COLLINASH	RD 1 BOX 122 WESTOVER, PA 16692
----------------------	------------------------------------

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

SAME AS ABOVE

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.



FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

October 23, 2003

CLEARFIELD COUNTY

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99

No.: 01-1155-CD

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99, Plaintiff in the above action, by its attorney, Frank Federman,
Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information
concerning the real property located at RD 1 BOX 122, WESTOVER, PA 16692:

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

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
DURIEZ EXCAVATING	RR 1 BARNESBORO, PA 15714

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

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
PENNSYLVANIA HOUSING FINANCE AGENCY	2101 N. FRONT STREET HARRISBURG, PA 17105

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

Name

Last Known Address (if address cannot be
reasonable ascertained, please indicate)

None.

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

Name

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

Clearfield County Domestic Relations

Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

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

Name

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

Commonwealth of Pennsylvania
Department of Welfare

PO Box 2675
Harrisburg, PA 17105

Tenant/Occupant

RD 1 BOX 122
WESTOVER, PA 16692

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.


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

October 23, 2003

FEDERMAN AND PHELAN, LLP
By: FRANK FEDERMAN, ESQUIRE
ONE PENN CENTER AT
SUBURBAN STATION
1617 JOHN F. KENNEDY BOULEVARD
SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF
COURT OF COMMON PLEAS
CIVIL DIVISION

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99

No.: 01-1155-CD

CLEARFIELD COUNTY

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

CERTIFICATION

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

- ☐ an FHA Mortgage
- ☐ non-owner occupied
- ☐ vacant
- ☒ Act 91 procedures have been fulfilled

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



FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

WRIT OF EXECUTION -- (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180 to 3183 and Rule 3257

COPY

**MANUFACTURERS AND TRADERS TRUST
COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99**

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

NO.: 01-1155-CD

vs.

**ORVIS R. COLLINASH
SHIRLEY G. COLLINASH**

**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):

Premises: RD 1 BOX 122, WESTOVER, PA 16692

(See legal description attached.)

Amount Due

\$92,052.89

Interest from 10/28/03 to
Date of Sale (\$15.13 per diem)

\$ _____

Total

\$ _____ Plus costs as endorsed.

127.00 Prothonotary costs

Dated October 28, 2003
(SEAL)

**Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania**

By:

Deputy

SZB

No. 01-1155-CD

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

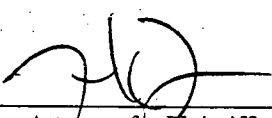
MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE
FOR SECURITIZATION SERIES 1999-3 AGREEMENT DATED 6/1/99

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt	<u>\$92,052.89</u>
Int. from 10/28/03 to Date of Sale (\$15.13 per diem)	_____
Costs	_____
Prothy. Pd.	<u>127.00</u>
Sheriff	_____



Attorney for Plaintiff

Address: RD 1 BOX 122, WESTOVER, PA 16692
RD 1 BOX 122, WESTOVER, PA 16692
Where papers may be served.

Frank Federman, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ALL THAT CERTAIN piece or parcel of land situate in the Township of Burnside, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on line of land of Terry E. Kruise and Northern side of Legislative Route 17003; thence West along Legislative Route 17003 104 feet to line of land of Cherry Lane Farms, Inc.; thence North along land of Cherry Lane Farms, Inc. 104 feet to a point; thence East 104 feet to line of land of Terry E. Kruise; thence South along land of Terry E. Kruise 104 feet to a point and place of beginning.

BEING a 104 square lot containing one-half (1/2) acre, more or less.

Tax Parcel #816-000-00022

TITLE TO SAID PREMISES IS VESTED IN Orvis R. Collinash and Shirley G. Collinash, husband and wife by Deed from Cherry Lane Farms, Inc. dated 4/12/71, recorded 7/21/71, in Deed Book 577, Page 267.

AFFIDAVIT OF SERVICE

PLAINTIFF

CLEARFIELD COUNTY

**MANUFACTURERS AND TRADERS TRUST
COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99**

ACCT. #2086835184

DEFENDANT

COURT NO.: 01-1155-CD

**ORVIS R. COLLINASH
SHIRLEY G. COLLINASH**

**SERVE ORVIS R. COLLINASH AT:
RD 1 BOX 122
WESTOVER, PA 16692**

**TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: FEBRUARY 6, 2004**

William A. Shaw
Prothonotary/Clerk of Courts

FILED
DEC 15 2003
m) 1:21 PM
cc
g

SERVED

Served and made known to Orvis R. Collinash, Defendant on the 3 day of Dec, 2003, at 1209 o'clock P. M., at RD 1 Box 122 Westover PA 16692, Commonwealth of Pennsylvania, in the manner described below:

- ☐ Defendant personally served.
☒ Adult family member with whom Defendant(s) reside(s).
Relationship is _____.
☐ Adult in charge of Defendant's residence who refused to give name or relationship.
☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).
☐ Agent or person in charge of Defendant's office or usual place of business.
_____ an officer of said Defendant's company.
☐ Other: _____

Description: Age 71 Height 55" Weight 190 Race W Sex F Other _____

I, Charles F. You, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 5th day
of December, 2003.

Notary:

By: Monica Crilly
Notarial Seal
Monica Crilly, Notary Public
City of Altoona, Blair County
My Commission Expires Aug. 27, 2005

On the _____ day of _____, 2003, at _____ o'clock _____ M., Defendant NOT FOUND because:
____ Moved ____ Unknown ____ No Answer ____ Vacant

Other:

Sworn to and subscribed
before me this _____ day
of _____, 2003.

By:

Notary:

**ATTORNEY FOR PLAINTIFF
FRANK FEDERMAN, ESQUIRE
I.D.#12248
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000**

AFFIDAVIT OF SERVICE

PLAINTIFF

CLEARFIELD COUNTY

MANUFACTURERS AND TRADERS TRUST

COMPANY TRUSTEE FOR SECURITIZATION

ACCT. #2086835184

SERIES 1999-3 AGREEMENT DATED 6/1/99

DEFENDANT

COURT NO.: 01-1155-CD

ORVIS R. COLLINASH

SHIRLEY G. COLLINASH

FILED NO CC
DEC 15 2003

SERVE SHIRLEY G. COLLINASH AT:

RD 1 BOX 122

WESTOVER, PA 16692

TYPE OF ACTION

XX Notice of Sheriff's Sale

SALE DATE: FEBRUARY 6, 2004

William A. Shaw

Prothonotary/Clerk of Courts

SERVED

Served and made known to Shirley Collinash, Defendant on the 3 day of Dec, 2003, at 1209 o'clock P. M., at RD 1 Box 122 Westover PA 16692 Commonwealth of Pennsylvania, in the manner described below:

☒ Defendant personally served.

☐ Adult family member with whom Defendant(s) reside(s).

Relationship is _____.

☐ Adult in charge of Defendant's residence who refused to give name or relationship.

☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).

☐ Agent or person in charge of Defendant's office or usual place of business.

☐ _____ an officer of said Defendant's company.

☐ Other: _____.

Description: Age 71 Height 5'5" Weight 190 Race W Sex F Other _____

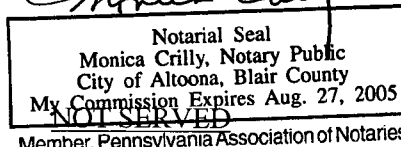
I, Charles F. Crilly, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed before me this 5th day of December, 2003.

Charles F. Crilly
Monica Crilly

Notary:

By:



On the _____ day of _____, 200____, at _____ o'clock ____ M., Defendant NOT FOUND because:

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant

Other:

Sworn to and subscribed before me this _____ day of _____, 200____.

By:

Notary:

ATTORNEY FOR PLAINTIFF
FRANK FEDERMAN, ESQUIRE
I.D.#12248
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

SALE DATE: 2/6/04

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99

No.: 01-1155-CD

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

FILED ^{NO CC}
JAN 23 2004
11:05 AM

William A. Shaw
Prothonotary/Clerk of Courts


**AFFIDAVIT PURSUANT TO RULE 3129.1
AND RETURN OF SERVICE PURSUANT TO
Pa. R.C.P. 405 OF NOTICE OF SALE**

Plaintiff in the above action sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at:

RD 1 BOX 122, WESTOVER, PA 16692.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the attached Affidavit No. 2 (previously filed) and Supplemental Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.

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.


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

CLEARFIELD COUNTY

MANUFACTURERS AND TRADERS
TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99

No.: 01-1155-CD

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99, Plaintiff in the above action, by its attorney, Frank Federman,
Esquire, sets forth as of the date the Praeipie for the Writ of Execution was filed the following information
concerning the real property located at RD 1 BOX 122, WESTOVER, PA 16692:

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

Name

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

DURIEZ EXCAVATING

RR 1
BARNESBORO, PA 15714

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

Name

Last Known Address (if address cannot be reasonable
ascertained, please indicate)

PENNSYLVANIA HOUSING
FINANCE AGENCY

2101 N. FRONT STREET
HARRISBURG, PA 17105

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

Name

Last Known Address (if address cannot be
reasonable ascertained, please indicate)

None.

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

Name

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

Clearfield County Domestic Relations

Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

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

Name

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


Commonwealth of Pennsylvania
Department of Welfare

PO Box 2675
Harrisburg, PA 17105

Tenant/Occupant

RD 1 BOX 122
WESTOVER, PA 16692

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.


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

October 23, 2003

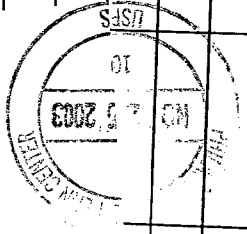
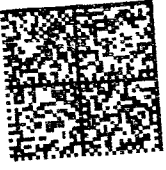
FORM 3811

FEDERMAN AND PHELAN, LLP
One Penn Center at Suburban Station
Philadelphia, PA 19103-1814 Suite 1400
Dan G. Trautz/SZB

Address
Of Sender

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	ORVIS R. COLLINASH	Tenant/Occupant, RD 1 BOX 122, WESTOVER, PA 16692		
2	2086835184	Clearfield County Domestic Relations Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830		
3		Commonwealth of Pennsylvania Department of Welfare PO Box 2675 Harrisburg, PA 17105		
4		PENNSYLVANIA HOUSING FINANCE AGENCY 2101 N. FRONT STREET HARRISBURG, PA 17105		
5		DURIEZ EXCAVATING RR 1 BARNESBORO, PA 15714		
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)	

UNITED STATES POSTAGE
\$01.50
02 1A
0004300377
NOV 25 2003
MAILED FROM ZIP CODE 19103
FITNEY BOWES



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 \$50,000.00 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.

January 14, 2004

**MANUFACTURERS AND TRADERS TRUST
COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3
AGREEMENT DATED 6/1/99**

vs.

**ORVIS R. COLLINASH
SHIRLEY G. COLLINASH**

TO: All parties in Interest and Claimants

**NOTICE OF SHERIFF'S SALE
OF REAL PROPERTY**

OWNER(S): ORVIS R. COLLINASH and SHIRLEY G. COLLINASH

PROPERTY: RD 1 BOX 122, WESTOVER, PA 16692

Improvements: Residential dwelling

Judgment Amount: **\$92,052.89**

**CLEARFIELD COUNTY
No. 01-1155-CD**

The above captioned property is scheduled to be sold at the Clearfield County Sheriff's Sale on **FRIDAY, FEBRUARY 6, 2004**, at the Clearfield County Courthouse, 1 North 2nd Street, Suite 116, Clearfield, PA 16830 at **10:00** A.M..

Our records indicate that you may hold a mortgage, judgment, or other interest on the property, which may be extinguished by the sale. You may wish to attend the sale to protect your interests. If you have any questions regarding the type of lien or the effect of the Sheriff's Sale upon your lien, we urge you to **CONTACT YOUR OWN ATTORNEY**, as we are not permitted to give you legal advice.

The Sheriff will file a schedule of Distribution 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.

CA

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

MANUFACTURERS & TRADERS TRUST COMPANY/
AKA FAIRBANKS CAPITAL CORPORATION

No. 01-1155-CD

vs.

ORVIS COLLINASH
SHIRLEY COLLINASH

FILED

AUG 05 2004

ml 2:30pm
William A. Shaw
Prothonotary
Return to Att

PETITION TO OPEN JUDGEMENT NUNC PRO TUNC

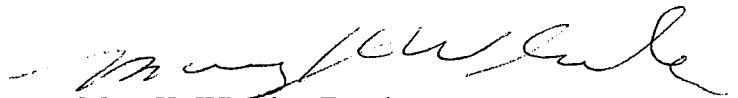
And now, come the Defendants, Orvis R. Collinash and Shirley G. Collinash, by and through counsel, and seek to open judgement nunc pro tunc, alleging in support thereof the following:

1. A Judgement was entered on October 28, 2003. This judgement was entered on the averment by Fairbanks Capital Corporation that the Defendants had defaulted on a Forbearance Agreement. A copy of that Judgement is attached. (Exhibit A.)
2. At the time of the entry of the judgement, the Defendants were unrepresented by counsel, and were being led to believe by the Plaintiffs that the papers they were getting in the mail should be disregarded as there was a new Forbearance agreement being negotiated. In support of this averment, Defendants supply a copy of the second page of a communication from Fairbanks Capital Corp. dated November 28, 2003.
3. Defendants attempted to comply with the Forbearance agreement, by sending checks for the amount requested by Fairbanks, only to have those checks returned to them. In support of this averment is a copy of a letter returning a payment from "Loan Servicing Center", with the address used jointly by Fairbanks Capital and Manufacturers and Traders Trust Company. This letter is dated January 20, 2004, well after the entry of the Judgement in this case.
4. The Plaintiffs set the matter for a sheriff sale, so the Defendants contacted counsel, who filed a Chapter 13 Bankruptcy on February 2, 2004 to Case Number 04-21286.
5. By means of this bankruptcy, the Defendants hoped to cure any arrearages owing on the mortgage and cure any existing default.

6. The judgement entered in the Clearfield County Court was entered by Default, and without any defense by the defendants, due to the continued communication with the Defendants and reassurance of the Defendants by Fairbanks Capital Corp. during the time that the defendants would have (without such communication and reassurance) retained counsel and defended.
7. The Defendants Orvis R. Collinash and Shirley G. Collinash stand ready to testify to the averments listed above.
8. It is of grave importance to the Defendants that they be able to open the above judgement.

WHEREFORE, The Defendants respectfully request the Honorable Court to enter an Order vacating and opening the above cited judgement.

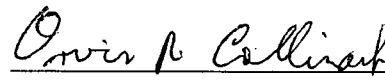
Respectfully Submitted,



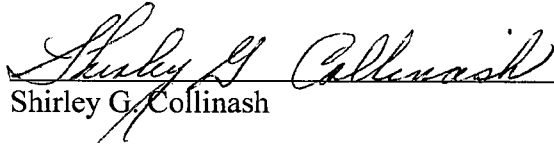
Mary K. Wheeler, Esquire
Homady & Wheeler, P.C.
P.O. Box 627
Duncansville, PA 16635
(814) 696-4020
PA ID No. 65251

VERIFICATION

We, Orvis R. Collinash and Shirley G. Collinash, do verify that the information contained in the foregoing petition, and acknowledge that any statements herein are made subject to the provisions of 39 Pa. C.S. Section 4903, relating to unsworn falsification to authorities.



Orvis R. Collinash



Shirley G. Collinash

August 3, 2004

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

MANUFACTURERS & TRADERS TRUST COMPANY/
AKA FAIRBANKS CAPITAL CORPORATION

No. 01-1155-CD

vs.

ORVIS COLLINASH
SHIRLEY COLLINASH

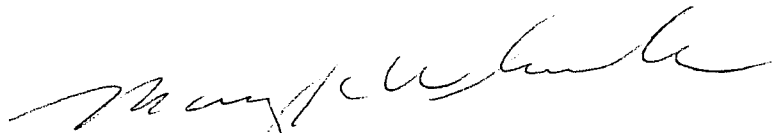
CERTIFICATE OF SERVICE

I, Mary K. Wheeler, Esquire, do certify that I served a true and correct copy of the forgoing Petition to the following by first class mail, postage pre-paid on August 4, 2004:

Orvis R. Collinash
Shirley G. Collinash
1077 Westover Road
Westover, PA 16692

Fairbanks Capital Corp.
3815 South West Temple
P.O. Box 65250
Salt Lake City, UT 84115

Manufacturers and Traders Trust Company
c/o
Federman & Phelan
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103



Mary K. Wheeler, Esquire
Homady & Wheeler, P.C.
P.O. Box 627
Duncansville, PA 16635
(814) 696-4020

PA ID No. 65251

FILED

AUG 05 2004

William A. Shaw
Prothonotary

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

MANUFACTURERS & TRADERS TRUST COMPANY/
AKA FAIRBANKS CAPITAL CORPORATION

No. 01-1155-CD

vs.

ORVIS COLLINASH
SHIRLEY COLLINASH

ORDER

AND NOW, This 11th Day of August, 2004, hearing will be set
on the instant Petition to Open Judgement on the 1 Day of September ²⁰⁰⁴ at 10:30
A.m. before Judge Donnerman, in Courtroom No. 1.

BY THE COURT:

Frederick J. Donnerman
J.

FILED

AUG 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

(14)

FILED Dec

9/9/53
Aug 12 2004

Atty Wheeler

William A. Shaw
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division

Clearfield County
No.: 01-1155-CD

vs.

Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692
Defendants

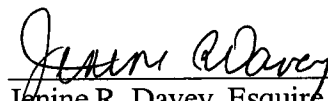
CERTIFICATION OF SERVICE

TO THE PROTHONOTARY:

Service upon the Defendants was made by sending a true and correct copy of the
Suggestion of Bankruptcy by U.S. First Class Mail on the date listed below.

Mary K. Wheeler, Esquire
Law Office
Homady & Wheeler, P.C.
P.O. Box 627
1409 Third Avenue
Duncansville, PA 16635

Date: 8/13/04


Jenine R. Davey, Esquire
Attorney for Plaintiff

FILED

m 11:26 AM
AUG 16 2004

WAS
William A. Shaw
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division
Clearfield County
No.: 01-1155-CD

vs.

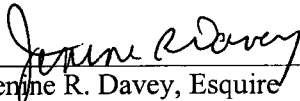
Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692
Defendants

SUGGESTION OF BANKRUPTCY

TO THE PROTHONOTARY:

Defendants, Orvis R. Collinash and Shirley G. Collinash filed Chapter 13 bankruptcy in the United States Bankruptcy Court for the Western District of Pennsylvania at Docket No.: 04-21286 on February 2, 2004. According to the Bankruptcy Docket, this case is still active.

Date: 8/13/04


Jenine R. Davey, Esquire
Attorney for Plaintiff

FILED *no cc*
m/112657
AUG 16 2004
William A. Shaw
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division
Clearfield County
No.: 01-1155-CD

vs.

Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692
Defendants

ORDER

AND NOW this day of , 2004, upon consideration of
the Petition to Open Judgment Nunc Pro Tunc of Defendants and Plaintiff's response
thereto it is hereby:

ORDERED and DECREED that the Petition is hereby denied and dismissed.

BY THE COURT:

J.

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division
Clearfield County
No.: 01-1155-CD

vs.

Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692
Defendants

FILED ^{no cc}
m/11:27/04
AUG 24 2004
William A. Shaw
Prothonotary/Clerk of Courts

**PLAINTIFF'S RESPONSE TO DEFENDANTS' PETITION TO OPEN
JUDGMENT NUNC PRO TUNC**

And now comes Plaintiff, Manufacturers & Traders Trust Company Trustee for Securitization Series 1999-3, by and through its attorneys, Federman and Phelan, LLP, and hereby files the within response to the Defendants' Petition to Open Judgment Nunc Pro Tunc and in support thereof avers as follows:

1-8. Denied. By way of further response, Defendants Orvis and Shirley Collinash are currently involved in a Chapter 13 Bankruptcy, pending at docket no. 04-21286. Defendants' Petition to Open Judgment Nunc Pro Tunc has been filed in violation of the automatic stay and therefore Plaintiff has is unable to respond to the merits of the Petition. Plaintiff respectfully requests that this Honorable Court deny and dismiss the Petition to Open Judgment Nunc Pro Tunc due to the pending bankruptcy.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court, deny and dismiss the Petition to Open Judgment of Defendants.

Respectfully Submitted,
FEDERMAN AND PHELAN, LLP

A handwritten signature in black ink, appearing to read "Jenine R. Davey", is written over a horizontal line.

Jenine R. Davey, Esquire
Attorney for Plaintiff

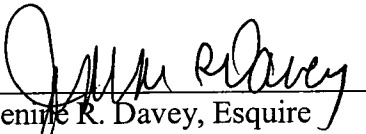
VERIFICATION

Jenine R. Davey, hereby states that she is the attorney for the Plaintiff in this action, that she is authorized to make this Verification, and that the statements made in the foregoing Plaintiff's Response to Defendants' Petition to Open Judgment Nunc Pro Tunc are true and correct to the best of her knowledge, information and belief.

The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsifications to authorities.

FEDERMAN AND PHELAN, LLP

DATE: 8/23/04

BY: 
Jenine R. Davey, Esquire
Attorney for Plaintiff
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division
Clearfield County
No.: 01-1155-CD

vs.

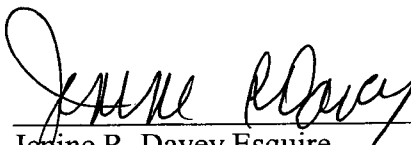
Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692
Defendants

CERTIFICATION OF SERVICE

I certify that a true and correct copy of Plaintiff's Response to Defendants' Petition to Open Judgment Nunc Pro Tunc and Certification was sent via first class mail to the persons listed below on the date indicated:

Mary K. Wheeler, Esquire
Law Office
Homady & Wheeler, P.C.
P.O. Box 627
1409 Third Avenue
Duncansville, PA 16635

Date: 8/23/04


Jenine R. Davey Esquire
Attorney for Plaintiff

FEDERMAN & PHELAN, LLP
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
Fax: 215-563-4491
Email: jenine.davey@fedphe.com

Jenine R. Davey, Esquire
Litigation Department

Representing Lenders in
Pennsylvania and New Jersey

August 23, 2004

VIA OVERNIGHT MAIL

Court Administrator
Clearfield County
230 E. Market Street
Clearfield, PA 16830

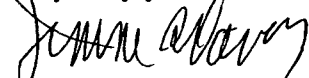
Re: Manufacturers and Traders Trust Company, et al. vs. Orvis R. Collinash, et al.
Clearfield County, CCP, No.: 01-1155-CD

Dear Sir/Madam:

Enclosed for filing with the Court please find Plaintiff's Brief in Opposition to the Defendants' Petition to Open Judgment Nunc Pro Tunc and Certification of Service relative to the above referenced matter. Please return a time-stamped copy of the first page of the Brief, and Certification in the enclosed self-addressed stamped envelope.

Thank you for your anticipated cooperation.

Very truly yours,



Jenine R. Davey, Esquire
JRD/mzc
Enclosure

cc: Mary K. Wheeler, Esquire
Office of the Prothonotary

- Please be advised that this firm is a debt collector attempting to collect a debt. Any information received will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division
Clearfield County
No.: 01-1155-CD

vs.

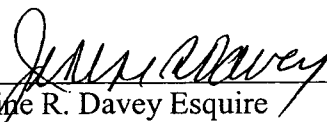
Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692
Defendants

CERTIFICATION OF SERVICE

I certify that a true and correct copy of Plaintiff's Brief in Opposition to the Defendants' Petition to Open Judgment Nunc Pro Tunc and Certification was sent via first class mail to the persons listed below on the date indicated:

Mary K. Wheeler, Esquire
Law Office
Homady & Wheeler, P.C.
P.O. Box 627
1409 Third Avenue
Duncansville, PA 16635

Date: 8/23/07


Jenine R. Davey Esquire
Attorney for Plaintiff

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division

Clearfield County
No.: 01-1155-CD

vs.

Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692

Defendants

(Stamp) filed
on 8/24/04

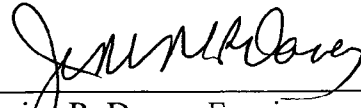
**PLAINTIFF'S BRIEF AND OPPOSITION TO THE DEFENDANTS' PETITION
TO OPEN JUDGMENT NUNC PRO TUNC**

Plaintiff hereby incorporates by reference its response to Defendants' Petition to Open Judgment Nunc Pro Tunc as if set forth herein and at length.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court, deny and dismiss the Petition to Open Judgment of Defendants.

Respectfully submitted,
FEDERMAN AND PHELAN, LLP

Date: 8/23/04


Jenine R. Davey, Esquire
Attorney for Plaintiff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

14844

MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE FOR SEC 01-1155-CD

VS.

COLLINASH, ORVIS R.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, NOVEMBER 24, 2003 @ 11:24 A.M. O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANT. THE PROPERTY WAS ALSO POSTED THIS DATE AND TIME.

A SALE DATE OF FEBRUARY 6, 2004 WAS SET.

NOW, NOVEMBER 24, 2003 @ 11:24 A.M. O'CLOCK SERVED ORVIS R. COLLINASH, DEFENDANT, AT HIS RESIDENCE, RD 1, BOX 122, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHIRLEY G. COLLINASH, DEFENDANT/WIFE, A TRUE AND ATTESTED COPY OF THE WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, NOVEMBER 24, 2003 @ 11:24 A.M. O'CLOCK SERVED SHIRLEY G. COLLINASH, DEFENDANT, AT HER RESIDENCE RD 1, BOX 122, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHIRLEY G. COLLINASH, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, FEBRUARY 4, 2004 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF'S SALE SCHEDULED FOR FEBRUARY 6, 2004 TO MAY 7, 2004.

NOW, MAY 6, 2004 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF'S SALE SCHEDULED FOR MAY 7, 2004 DUE TO A CHAPTER 13 BANKRUPTCY FILING.

FILED ^{E 6K}
012:05B9K
AUG 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

14844

MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE FOR SEC 01-1155-CD

VS.

COLLINASH, ORVIS R.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, AUGUST 24, 2004 PAID COSTS FROM THE ADANCE AND MADE A REFUND OF
THE UNUSED ADVANCE TO THE ATTORNEY.

NOW, AUGUST 24, 2004 RETURN WRIT AS NO SALE BEING HELD ON THE PROPERTY
OF THE DEFENDANTS. PLAINTIFF'S ATTORNEY STAYED THE WRIT DUE TO A
BANKRUPTCY FILING AND TIME HAD EXPIRED ON THE WRIT.

SHERIFF HAWKINS \$216.96
SURCHARGE \$40.00
PAID BY ATTORNEY

Sworn to Before Me This

24th Day Of August 2004

WILLIAM A. SHAW

Prothonotary

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

So Answers,

Chester A. Hawkins
Chester A. Hawkins

Sheriff

WRIT OF EXECUTION -- (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180 to 3183 and Rule 3257

MANUFACTURERS AND TRADERS TRUST
COMPANY TRUSTEE FOR SECURITIZATION
SERIES 1999-3 AGREEMENT DATED 6/1/99

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 01-1155-CD

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

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):

Premises: **RD 1 BOX 122, WESTOVER, PA 16692**

(See legal description attached.)

Amount Due

\$92,052.89

Interest from 10/28/03 to
Date of Sale (\$15.13 per diem)

\$ _____

Total

\$ _____ Plus costs as endorsed.
127.00 Prothonotary Costs

Will. [Signature]
Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated October 28, 2003
(SEAL)

By: _____

Deputy

Received October 28, 2003 @ 2:00 P.M.
Chester A. Hanks
By Cynthia Butler Aughenbaugh

SZB

No. 01-1155-CD

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

MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE
FOR SECURITIZATION SERIES 1999-3 AGREEMENT DATED 6/1/99

vs.

ORVIS R. COLLINASH
SHIRLEY G. COLLINASH

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

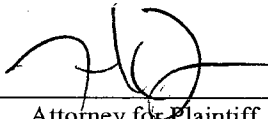
Real Debt \$92,052.89

Int. from 10/28/03 _____
to Date of Sale (\$15.13 per diem)

Costs _____

Prothy. Pd. 127.00

Sheriff _____



Attorney for Plaintiff

Address: RD 1 BOX 122, WESTOVER, PA 16692
RD 1 BOX 122, WESTOVER, PA 16692
Where papers may be served.

Frank Federman, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ALL THAT CERTAIN piece or parcel of land situate in the Township of Burnside, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on line of land of Terry E. Kruise and Northern side of Legislative Route 17003; thence West along Legislative Route 17003 104 feet to line of land of Cherry Lane Farms, Inc.; thence North along land of Cherry Lane Farms, Inc. 104 feet to a point; thence East 104 feet to line of land of Terry E. Kruise; thence South along land of Terry E. Kruise 104 feet to a point and place of beginning.

BEING a 104 square lot containing one-half (1/2) acre, more or less.

Tax Parcel #816-000-00022

TITLE TO SAID PREMISES IS VESTED IN Orvis R. Collinash and Shirley G. Collinash, husband and wife by Deed from Cherry Lane Farms, Inc. dated 4/12/71, recorded 7/21/71, in Deed Book 577, Page 267.

NAME COLLINASH NO. 01-1155-CD

he/she being the highest bidder, for the sum of _____ and made the following appropriations, viz:

PLAINTIFF COSTS, DEBT & INTEREST:

DEED COSTS:	
ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	
TOTAL DEED	
COSTS	0.00

DEBT-AMOUNT DUE	92,052.89
INTEREST	
TO BE ADDED	TO SALE DATE
ATTORNEY FEES	
PROTH. SATISFACTION	
LATE CHARGES & FEES	
COST OF SUIT -TO BE ADDED	
FORECLOSURE FEES/ESCROW DEFICIT	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
SATISFACTION FEE	
ESCROW DEFICIENCY	
TOTAL DEBT & INTEREST	92,052.89

COSTS:	
ADVERTISING	291.06
TAXES - collector	RETURNED
TAXES - tax claim	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	216.96
LEGAL JOURNAL AD	135.00
PROTHONOTARY	127.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
TOTAL COSTS	1,050.02

CHESTER A. HAWKINS, Sheriff

Law Offices
FEDERMAN AND PHELAN, L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
sandra.cooperfedpnc-pa.com

Sandra Cooper
Judgment Department, Ext. 1258

Representing Lenders in
Pennsylvania and New Jersey

February 4, 2004

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

ATTENTION: CINDY (814) 765-5915

Re: MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3 AGREEMENT DATED 6/1/99 v. ORVIS R.
COLLINASH SHIRLEY G. COLLINASH
No. 01-1155-CD
RD 1 BOX 122, WESTOVER, PA 16692

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property which is
scheduled for 2/06/04.

The Defendant (s) filed a Chapter 13 Bankruptcy (No 04-21286) on 2/02/04.

The property is to be relisted for the 5/07/04 Sheriff's Sale.

Very truly yours,

S.M.C.

Sandra M. Cooper

VIA TELECOPY (814) 765-5915

CC: ORVIS R. COLLINASH RD 1 BOX 122 WESTOVER, PA 16692	SHIRLEY G. COLLINASH RD 1 BOX 122 WESTOVER, PA 16692
--	--

Law Offices
FEDERMAN AND PHELAN, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Genevieve.Mautz@fedphe.com

Genevieve Mautz
Judgment Department, Ext. 1409

Representing Lenders in
Pennsylvania and New Jersey

May 6, 2004

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

ATTENTION: CINDY (814) 765-5915

Re: **MANUFACTURERS AND TRADERS TRUST COMPANY TRUSTEE FOR
SECURITIZATION SERIES 1999-3 AGREEMENT DATED 6/1/99 v. ORVIS R. COLLINASH
SHIRLEY G. COLLINASH**
No. 01-1155-CD
RD 1 BOX 122, WESTOVER, PA 16692

Dear Cindy:

Please stay the Sheriff's Sale of the above referenced property, which is scheduled for MAY 7, 2004, return the original writ of execution to the Prothonotary's office and refund any unused money to our office.

The Defendant (s) filed a Chapter 13 Bankruptcy (No. #04-21286) on 2/2/04.

Very truly yours,

Genevieve Mautz

FEDERMAN & PHELAN, LLP
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
Fax: 215-563-4491
Email: jenine.davey@fedphe.com

Jenine R. Davey, Esquire
Litigation Department

Representing Lenders in
Pennsylvania and New Jersey

August 23, 2004

VIA OVERNIGHT MAIL

Office of the Prothonotary
Clearfield County
230 E. Market Street
Clearfield, PA 16830

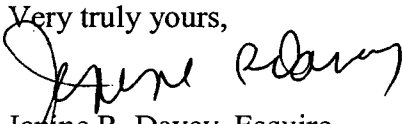
Re: Manufacturers and Traders Trust Company, et al. vs. Orvis R. Collinash, et al.
Clearfield County, CCP, No.: 01-1155-CD

Dear Sir/Madam:

Enclosed for filing with the Court please find Plaintiff's Response to Defendants' Petition to Open Judgment Nunc Pro Tunc and Certification of Service relative to the above referenced matter. Please return a time-stamped copy of the first page of the Response, Brief, and Certification in the enclosed self-addressed stamped envelope.

Thank you for your anticipated cooperation.

Very truly yours,


Jenine R. Davey, Esquire
JRD/mzc
Enclosure

cc: Mary K. Wheeler, Esquire
Court Administrator

RECEIVED

AUG 24 2004

**COURT ADMINISTRATOR'S
OFFICE**

- Please be advised that this firm is a debt collector attempting to collect a debt. Any information received will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division

Clearfield County
No.: 01-1155-CD

vs.

Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692

Defendants


CERTIFICATION OF SERVICE

I certify that a true and correct copy of Plaintiff's Response to Defendants' Petition to Open Judgment Nunc Pro Tunc and Certification was sent via first class mail to the persons listed below on the date indicated:

Mary K. Wheeler, Esquire
Law Office
Homady & Wheeler, P.C.
P.O. Box 627
1409 Third Avenue
Duncansville, PA 16635

Date:

8/23/04


Jenine R. Davey Esquire
Attorney for Plaintiff

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division
Clearfield County
No.: 01-1155-CD

vs.

Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692

Defendants

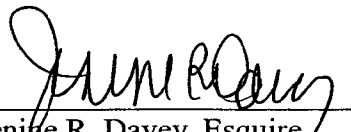
**PLAINTIFF'S RESPONSE TO DEFENDANTS' PETITION TO OPEN
JUDGMENT NUNC PRO TUNC**

And now comes Plaintiff, Manufacturers & Traders Trust Company Trustee for Securitization Series 1999-3, by and through its attorneys, Federman and Phelan, LLP, and hereby files the within response to the Defendants' Petition to Open Judgment Nunc Pro Tunc and in support thereof avers as follows:

1-8. Denied. By way of further response, Defendants Orvis and Shirley Collinash are currently involved in a Chapter 13 Bankruptcy, pending at docket no. 04-21286. Defendants' Petition to Open Judgment Nunc Pro Tunc has been filed in violation of the automatic stay and therefore Plaintiff has is unable to respond to the merits of the Petition. Plaintiff respectfully requests that this Honorable Court deny and dismiss the Petition to Open Judgment Nunc Pro Tunc due to the pending bankruptcy.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court, deny and dismiss the Petition to Open Judgment of Defendants.

Respectfully Submitted,
FEDERMAN AND PHELAN, LLP



Jenine R. Davey, Esquire
Attorney for Plaintiff

VERIFICATION

Jenine R. Davey, hereby states that she is the attorney for the Plaintiff in this action, that she is authorized to make this Verification, and that the statements made in the foregoing Plaintiff's Response to Defendants' Petition to Open Judgment Nunc Pro Tunc are true and correct to the best of her knowledge, information and belief.

The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsifications to authorities.

FEDERMAN AND PHELAN, LLP

DATE: 8/23/09

BY: 

Jenine R. Davey, Esquire
Attorney for Plaintiff
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

FEDERMAN AND PHELAN, LLP
By: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station
1617 J.F.K. Blvd. - Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Manufacturers and Traders Trust Company
Trustee for Securitization Series 1999-3
Agreement Dated 6/1/99
3815 Southwest Temple
Salt Lake City, UT 84115
Plaintiff

Court of Common Pleas
Civil Division

Clearfield County
No.: 01-1155-CD

vs.

Orvis R. Collinash
Shirley G. Collinash
RD 1 Box 122
Westover, PA 16692
Defendants

CERTIFICATION OF SERVICE

I certify that a true and correct copy of Plaintiff's Brief in Opposition to the
Defendants' Petition to Open Judgment Nunc Pro Tunc and Certification was sent via
first class mail to the persons listed below on the date indicated:

Mary K. Wheeler, Esquire
Law Office
Homady & Wheeler, P.C.
P.O. Box 627
1409 Third Avenue
Duncansville, PA 16635

FILED ^{no cc}
m/10:21/04
AUG 25 2004
EAS

William A. Shaw
Prothonotary/Clerk of Courts

Date: 8/23/04

Jenine R. Davey
Jenine R. Davey Esquire
Attorney for Plaintiff

CA


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

MANUFACTURERS & TRADERS TRUST :
COMPANY, a/k/a FAIRBANKS :
CAPITAL CORPORATION :
VS. : NO. 01-1155-CD
ORVIS COLLINASH, et al. :

O R D E R

NOW, this 1st day of September, 2004, pursuant to this Court's scheduling Order of August 11, 2004, this being the date set for hearing on the Petition to Open Judgment Nunc Pro Tunc filed on behalf of the Defendants; neither counsel for the Defendants nor the Defendants having appeared; the Court having not granted any continuances; therefore, it is the ORDER of this Court that the petition to Open Judgment Nunc Pro Tunc be and is hereby dismissed.

BY THE COURT:



President Judge

FILED^{EBK}
014:0081
SEP 01 2004

William A. Shaw
Prothonotary/Clerk of Courts
1 cc Atty: Frank Federman,
Mary Wheeler