

01-1239-CD  
FIRST UNION NATIONAL BANK -vs- RODNEY A. SMITH

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

ATTORNEY FOR PLAINTIFF

First Union National Bank	COURT OF COMMON PLEAS
One Old Country Road	CIVIL DIVISION
Suite 429	
Carle Place, NY 11514	Clearfield County
Plaintiff	
v.	
Rodney A. Smith	
Rural Route 1, Box 687	NO. 01-1239-C
Morrisdale, PA 16858	
Defendant(s)	

COMPLAINT IN MORTGAGE FORECLOSURE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYERS REFERRAL SERVICE  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

**FILED**

JUL 30 2001

William A. Shaw  
Prothonotary

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentear una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se dafiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, 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 SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**Lawyer Referral Service  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982**

## **NOTICE**

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

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

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

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

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

Assignor: EquiFirst Corporation  
Assignments of Record to: EFC Holdings Corporation  
Recording Date: 4/8/99 INSTR NO.: 199905326

Assignor: EFC Holdings Corporation  
Assignments of Record to: TMS Mortgage Inc.  
Recording Date: 4/8/99 INSTR NO.: 199905327

Assignor: TMS Mortgage Inc.  
Assignments of Record to: First Union National Bank  
Recording Date: **LODGED FOR RECORDING**

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

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

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: Rural Route 1, Box 687  
MUNICIPALITY/TOWNSHIP/BOROUGH: Morris Township  
COUNTY: Clearfield  
DATE EXECUTED: 1/25/99  
DATE RECORDED: 1/29/99 INSTR NO.: 199901434

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

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by said Mortgage itemized below, shall be immediately due.

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

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

6. The following amounts are due on the said Mortgage as of

7/12/01:

Principal of debt due and unpaid Interest at 10.75% from 3/1/01 to 7/12/01 (the per diem interest accruing on this debt is \$17.32 and that sum should be added each day after 7/12/01)	\$58,796.21 2,320.88
Title Report	250.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Escrow Overdraft/ (Balance) (The monthly escrow on this account is \$285.84 and that sum should be added on the first of each month after 7/12/01)	2,683.70
Late Charges (monthly late charge of \$27.77 should be added on the fifteenth of each month after 7/12/01)	333.24
Suspense Balance Corporate Advance	(130.04) 2,795.69
Attorneys Fees (anticipated and actual to 5% of principal)	<u>2,939.81</u>
<b>TOTAL</b>	<b>\$70,269.49</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of the Commonwealth of Pennsylvania is not required as the original principal amount exceeds the sum of \$50,000.00. The notice specified by the Pennsylvania Homeowner's Emergency Mortgage Assistance Program, Act 91 of 1983, has been sent as required on the date appearing on the copy attached hereto as Exhibit "A", and Defendant(s) have failed to proceed within the time limits, or have been determined ineligible, or Plaintiff has not been notified in a timely manner of Defendant(s) eligibility.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$70,269.49 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.



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

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY LEGISLATIVE ROUTE 17060, LEADING FROM MORRISDALE TO WALLACETON, SAID RIGHT-OF-WAY LINE BEING (16.5) FEET FROM THE CENTERLINE THEREOF, SAID IRON PIN BEING A COMMON CORNER OF THE LANDS OF JAMES MERRITT AND THESE LANDS BEING DESCRIBED; THENCE BY THE LINE OF LANDS OF SAID JAMES MERRITT, SOUTH SEVEN DEGREES THIRTY MINUTES WEST (S 7 DEGREES 30' W) ONE HUNDRED SEVENTY-FIVE (175.0) FEET TO AN IRON PIN CORNER; THENCE BY THE LANDS OF THE NORMAN SHIMMEL ESTATE, NORTH EIGHTY TWO DEGREES THIRTY MINUTES WEST (N 82 DEGREES 30' W) ONE HUNDRED NINETY-ONE AND TWO-TENTHS (191.2) FEET TO AN IRON PIN CORNER; THENCE BY THE RESIDUE OF A PARCEL OF WHICH THIS BEING A PART OF, OR THE LANDS OF FORMER GRANTOR, MARCELLA M. COUDRIET, NORTH SEVEN DEGREES THIRTY MINUTES EAST (N 7 DEGREES 30' E) TWO HUNDRED THIRTY-ONE AND FIVE-TENTHS (231.5) FEET TO AN IRON PIN CORNER ON THE RIGHT-OF-WAY LINE OF SAID LEGISLATIVE ROUTE 17060; THENCE BY SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH SIXTY-ONE DEGREES ONE MINUTE EAST (S 61 DEGREES 01' E) ONE HUNDRED (100.0) FEET TO A STAKE CORNER; THENCE SOUTH SEVENTY-ONE DEGREES ONE MINUTE EAST (S 71 DEGREES 01' E) ONE HUNDRED FEET TO AN IRON PIN CORNER AND THE PLACE OF BEGINNING. CONTAINING 0.89 ACRES.



DF985

**RODNEY A SMITH**

**RURAL RT 1 BOX 687  
MORRISDALE, PA 16858**

**June 4, 2001**

**NBRC 0040425530**

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

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

The HOMEOWNER'S EMERGENCY 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, 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 NOTIFICAION 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 IMMEDIATAMENTE 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.

HOMEOWNERS NAME(S): **RODNEY A SMITH**  
PROPERTY ADDRESS: **RURAL RT 1 BOX 687  
MORRISDALE, PA 16858**

LOAN ACCOUNT NUMBER: **0040425530**  
CURRENT LENDER/SERVICER: **HomEq Servicing Corporation**

**EXHIBIT A**

**IMPORTANT INFORMATION ON THE BACK OF THIS PAGE**

## HOMEOWNERS' 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 PROVISION 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,**
- **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 the 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 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 attend a face-to-face meeting with one of the consumer credit counseling agencies listed at the end of this Notice, the lender may NOT take further action against you for thirty (30) days after the date of this meeting. **The names, addresses and telephone numbers of designated consumer counseling agencies for the county in which your property is located are set forth at the end of this Notice.** It is only necessary to schedule one face-to-face meeting. You should advise this 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 Fund. 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 completed 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.**

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

RURAL RT 1 BOX 687 MORRISDALE, PA 16858 MORRISDALE PA 16858

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:

a) Number of Payments Delinquent:	3
b) Delinquent Amount Due:	\$2,523.78
c) Late Charges:	\$ 305.47
d) Recoverable Corporate Advances	\$ 2,690.10
e) Other Charges and Advances	\$ 0.0
f) Less funds in Suspense:	\$ 130.04
e) Total amount required as of (due date)	<b>\$ 5,389.31</b>

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

**HOW TO CURE THE DEFAULT** - You may cure this default within THIRTY (30) days from the date of this letter **BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$ 5,389.31** PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES (and other charges) WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cashier's check, certified check, or money order made payable to:

Regular Mail  
HomEq Servicing Corporation  
P.O. Box 96053 Charlotte, NC 28296-0053

Overnight  
FUNB Lockbox 96053  
1525 West W.T. Harris Blvd.  
Charlotte, NC 28262-00

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter: (Do not use if not applicable.)

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**IF YOU DO NOT CURE THE DEFAULT** - If you do not cure the default within THIRTY (30) days of this letter date, 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 OF THE LETTER DATE, HomEq Servicing Corporation also intends to instruct their attorneys to start a legal action to foreclose upon your mortgaged property.

**IF THE MORTGAGE IS FORECLOSED UPON**- The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before they begin legal proceedings against you, you will still be required to pay the reasonable attorney's fees 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 even if they are over \$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 attorneys' fees.

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

**RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE**- If you have not cured the default within the THIRTY (30) day period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount then past due plus any late charges, charges then due, reasonable attorneys' 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.

**IMPORTANT INFORMATION ON THE BACK OF THIS PAGE**

**EARLIEST POSSIBLE SHERIFF'S SALE DATE**- It is estimated that the earliest date that such Sheriff's sale could be held is 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 BY TELEPHONE OR MAIL:**

Name of Lender: HomEq Servicing Corporation  
Address: P.O Box 13716  
Telephone Number: Sacramento, CA95853  
Fax Number: 800 795-5125 Ext. 10302  
916-339-6910

**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 not sell or transfer your home to a buyer or transferee who will assume the mortgage debt.

**YOU MAY ALSO HAVE THE RIGHT**

- TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR BORROWER MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
- TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
- TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THE RIGHT TO CURE YOUR DEFAULTS ANY MORE THAN THREE TIMES IN A 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.

THE CONSUMER CREDIT COUNSELING AGENCIES SERVING YOUR COUNTY IS ATTACHED TO THIS LETTER

Sincerely,

HomEq Servicing Corporation

V\_E\_R\_I\_F\_I\_C\_A\_T\_I\_O\_N

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



---

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

Document filed in the office of the Clerk of Court for the County of Bucks, Pennsylvania.

Document filed in the office of the Clerk of Court for the County of Bucks, Pennsylvania.

Document filed in the office of the Clerk of Court for the County of Bucks, Pennsylvania.

FILED

3:09  
JUL 30 2001

William A. Shaw  
Prothonotary

Atty  
Udren  
- #80.00 -  
cc - Sheriff  
cc - Atty Udren

11-2201 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.  
J. J. Shaw  
Prothonotary

9-25-01 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.  
J. J. Shaw  
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11316

FIRST UNION NATIONAL BANK

01-1239-CD

VS.

SMITH, RODNEY A.

COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

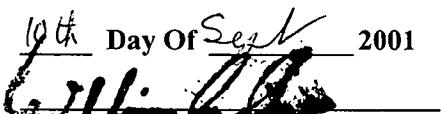
NOW AUGUST 29, 2001 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN  
THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO  
RODNEY A. SMITH, DEFENDANT. NEW ADDRESS: 3304 ROSE AVE., APT 24,  
ERIE, PA. 16510.

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Return Costs

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

Sworn to Before Me This

10th Day Of Sept 2001  
  
G. A. H.

So Answers,

  
by Marilyn Hamer  
Chester A. Hawkins  
Sheriff

**FILED**

SEP 10 2001

William A. Shaw  
Prothonotary

WE HEREBY CERTIFY THAT  
WITHIN TO BE TRUE AND  
CORRECT COPY OF THE ORIGINAL

*ML*

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

ATTORNEY FOR PLAINTIFF

First Union National Bank One Old Country Road Suite 429 Carle Place, NY 11514 Plaintiff	COURT OF COMMON PLEAS CIVIL DIVISION Clearfield County
v.	
Rodney A. Smith Rural Route 1, Box 687 Morrisdale, PA 16858 Defendant(s)	NO. 01-1239-CD

COMPLAINT IN MORTGAGE FORECLOSURE

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LAWYERS REFERRAL SERVICE  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

I hereby certify this to be a true and accurate copy of the original statement of facts in this case.

JUL 3 0 2001

Attest.

*William J. Udren*  
Prothonotary

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentir una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se dafiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, 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.

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Lawyer Referral Service  
David S. Meholick, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

## NOTICE

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

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

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

Assignor: EquiFirst Corporation  
Assignments of Record to: EFC Holdings Corporation  
Recording Date: 4/8/99 INSTR NO.: 199905326

Assignor: EFC Holdings Corporation  
Assignments of Record to: TMS Mortgage Inc.  
Recording Date: 4/8/99 INSTR NO.: 199905327

Assignor: TMS Mortgage Inc.  
Assignments of Record to: First Union National Bank  
Recording Date: LODGED FOR RECORDING

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

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

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: Rural Route 1, Box 687  
MUNICIPALITY/TOWNSHIP/BOROUGH: Morris Township  
COUNTY: Clearfield  
DATE EXECUTED: 1/25/99  
DATE RECORDED: 1/29/99 INSTR NO.: 199901434

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

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by said Mortgage itemized below, shall be immediately due.

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

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

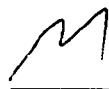
6. The following amounts are due on the said Mortgage as of 7/12/01:

Principal of debt due and unpaid Interest at 10.75% from 3/1/01 to 7/12/01 (the per diem interest accruing on this debt is \$17.32 and that sum should be added each day after 7/12/01)	\$58,796.21 2,320.88
Title Report	250.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Escrow Overdraft/ (Balance) (The monthly escrow on this account is \$285.84 and that sum should be added on the first of each month after 7/12/01)	2,683.70
Late Charges (monthly late charge of \$27.77 should be added on the fifteenth of each month after 7/12/01)	333.24
Suspense Balance Corporate Advance	(130.04) 2,795.69
Attorneys Fees (anticipated and actual to 5% of principal)	<u>2,939.81</u>
<b>TOTAL</b>	<b>\$70,269.49</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of the Commonwealth of Pennsylvania is not required as the original principal amount exceeds the sum of \$50,000.00. The notice specified by the Pennsylvania Homeowner's Emergency Mortgage Assistance Program, Act 91 of 1983, has been sent as required on the date appearing on the copy attached hereto as Exhibit "A", and Defendant(s) have failed to proceed within the time limits, or have been determined ineligible, or Plaintiff has not been notified in a timely manner of Defendant(s) eligibility.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$70,269.49 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.



---

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

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY LEGISLATIVE ROUTE 17060, LEADING FROM MORRISDALE TO WALLACETON, SAID RIGHT-OF-WAY LINE BEING (16.5) FEET FROM THE CENTERLINE THEREOF, SAID IRON PIN BEING A COMMON CORNER OF THE LANDS OF JAMES MERRITT AND THESE LANDS BEING DESCRIBED; THENCE BY THE LINE OF LANDS OF SAID JAMES MERRITT, SOUTH SEVEN DEGREES THIRTY MINUTES WEST (S 7 DEGREES 30' W) ONE HUNDRED SEVENTY-FIVE (175.0) FEET TO AN IRON PIN CORNER; THENCE BY THE LANDS OF THE NORMAN SHIMMEL ESTATE, NORTH EIGHTY TWO DEGREES THIRTY MINUTES WEST (N 82 DEGREES 30' W) ONE HUNDRED NINETY-ONE AND TWO-TENTHS (191.2) FEET TO AN IRON PIN CORNER; THENCE BY THE RESIDUE OF A PARCEL OF WHICH THIS BEING A PART OF, OR THE LANDS OF FORMER GRANTOR, MARCELLA M. COUDRIET, NORTH SEVEN DEGREES THIRTY MINUTES EAST (N 7 DEGREES 30' E) TWO HUNDRED THIRTY-ONE AND FIVE-TENTHS (231.5) FEET TO AN IRON PIN CORNER ON THE RIGHT-OF-WAY LINE OF SAID LEGISLATIVE ROUTE 17060; THENCE BY SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH SIXTY-ONE DEGREES ONE MINUTE EAST (S 61 DEGREES 01' E) ONE HUNDRED (100.0) FEET TO A STAKE CORNER; THENCE SOUTH SEVENTY-ONE DEGREES ONE MINUTE EAST (S 71 DEGREES 01' E) ONE HUNDRED FEET TO AN IRON PIN CORNER AND THE PLACE OF BEGINNING. CONTAINING 0.89 ACRES.



DF985

RODNEY A SMITH

RURAL RT 1 BOX 687  
MORRISDALE, PA 16858

June 4, 2001

NBRC 0040425530

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

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

The HOMEOWNER'S EMERGENCY 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, 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 NOTIFICAION 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 IMMEDIATAMENTE 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.

HOMEOWNERS NAME(S):  
PROPERTY ADDRESS:

RODNEY A SMITH  
RURAL RT 1 BOX 687  
MORRISDALE, PA 16858

LOAN ACCOUNT NUMBER:  
CURRENT LENDER/SERVICER:

0040425530  
HomEq Servicing Corporation

EXHIBIT A

**IMPORTANT INFORMATION ON THE BACK OF THIS PAGE**

## HOMEOWNERS' 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 PROVISION 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,**
- **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 the 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 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 attend a face-to-face meeting with one of the consumer credit counseling agencies listed at the end of this Notice, the lender may NOT take further action against you for thirty (30) days after the date of this meeting. **The names, addresses and telephone numbers of designated consumer counseling agencies for the county in which your property is located are set forth at the end of this Notice.** It is only necessary to schedule one face-to-face meeting. You should advise this 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 Fund. 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 completed 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.**

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

RURAL RT 1 BOX 687 MORRISDALE, PA 16858 MORRISDALE PA 16858

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:

a) Number of Payments Delinquent:	3
b) Delinquent Amount Due:	\$2,523.78
c) Late Charges:	\$ 305.47
d) Recoverable Corporate Advances	\$ 2,690.10
e) Other Charges and Advances	\$ 0.0
f) Less funds in Suspense:	\$ 130.04
e) Total amount required as of (due date)	\$ 5,389.31

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

**HOW TO CURE THE DEFAULT** - You may cure this default within THIRTY (30) days from the date of this letter **BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$ 5,389.31) PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES (and other charges) WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cashier's check, certified check, or money order made payable to:**

Regular Mail  
HomEq Servicing Corporation  
P.O. Box 96053 Charlotte, NC 28296-0053

Overnight  
FUNB Lockbox 96053  
1525 West W.T. Harris Blvd.  
Charlotte, NC 28262-00

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter: (Do not use if not applicable.)

---

**IF YOU DO NOT CURE THE DEFAULT** - If you do not cure the default within THIRTY (30) days of this letter date, 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 OF THE LETTER DATE, HomEq Servicing Corporation also intends to instruct their attorneys to start a legal action to foreclose upon your mortgaged property.

**IF THE MORTGAGE IS FORECLOSED UPON** - The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before they begin legal proceedings against you, you will still be required to pay the reasonable attorney's fees 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 even if they are over \$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 attorneys' fees.

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

**RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE** - If you have not cured the default within the THIRTY (30) day period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount then past due plus any late charges, charges then due, reasonable attorneys' 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.

**IMPORTANT INFORMATION ON THE BACK OF THIS PAGE**

**EARLIEST POSSIBLE SHERIFF'S SALE DATE**- It is estimated that the earliest date that such Sheriff's sale could be held is 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 BY TELEPHONE OR MAIL:**

Name of Lender:	HomEq Servicing Corporation
Address:	P.O Bx 13716
Telephone Number:	Sacramento, CA95853
Fax Number:	800 795-5125 Ext. 10302
	916-339-6910

**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 not sell or transfer your home to a buyer or transferee who will assume the mortgage debt.

**YOU MAY ALSO HAVE THE RIGHT**

- TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR BORROWER MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
- TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
- TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THE RIGHT TO CURE YOUR DEFAULTS ANY MORE THAN THREE TIMES IN A 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.

THE CONSUMER CREDIT COUNSELING AGENCIES SERVING YOUR COUNTY IS ATTACHED TO THIS LETTER

Sincerely,

HomEq Servicing Corporation

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

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



---

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

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

**ATTORNEY FOR PLAINTIFF**

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 01-1239-CD

v.

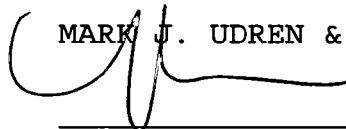
Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858  
Defendant(s)

**PRAECIPE TO REINSTATE COMPLAINT**

TO THE PROTHONOTARY:

Kindly reinstate the Complaint on the above-captioned matter.

DATE: September 14, 2001

  
MARK J. UDREN & ASSOCIATES

---

Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

**FILED**

SEP 25 2001

Alton A. Shaw  
Prothonotary

**FILED**

SEP 25 2001  
M 2391 G Ht, Under  
William A. Shaw  
Prothonotary  
PD 7.00

(1) Comp. Renvo to Sheriff

9-25-01 Document  
Reissued to Sheriff  
for service.  
J. M. Shaw

Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11316

FIRST UNION NATIONAL BANK

01-1239-CD

VS.

SMITH, RODNEY A.

COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW SEPTEMBER 26, 2001, BOB MERSKI, SHERIFF OF ERIE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RODNEY A. SMITH, DEFENDANT.

NOW OCTOBER 18, 2001 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RODNEY A. SMITH, DEFENDANT BY DEPUTIZING THE SHERIFF OF ERIE COUNTY. THE RETURN OF SHERIFF MERSKI IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND" NEW RESIDENT HAS BEEN THERE FOR 2 MONTHS, NO FORWARDING.

---

Return Costs

Cost	Description
14.89	SHFF. HAWKINS PAID BY: ATTY.
58.00	SHFF. MERSKI PAID BY: ATTY.
<u>10.00</u>	SURCHARGE PAID BY: ATTY.
<u>82.89</u>	

**FILED**

NOV 02 2001  
019.02 am  
William A. Shaw  
Prothonotary  
*[Signature]*

Sworn to Before Me This

2nd Day of November 2001  


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

So Answers,

  
Chester A. Hawkins  
Sheriff

SHERIFF'S RETURN - NOT SERVED

CASE NO: 2001-01239 T  
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF ERIE

FIRST UNION NATIONAL BANK

VS

RODNEY A SMITH

Bob Merski, Sheriff, who being duly sworn according to law, says, that he made a diligent search and inquiry for the within named DEFENDANT, to wit:

SMITH RODNEY A but was unable to locate Him in his bailiwick. He therefore returns the COMPLAINT IN MTG FORE

NOT SERVED, as to

the within named DEFENDANT, SMITH RODNEY A

NEW RESIDENT HAS BEEN THERE FOR 2 MONTHS NO FORWARDING ADDRESS ON  
FILE

Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00

So answers:

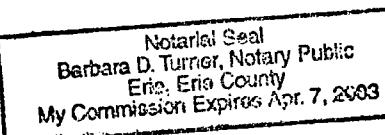
Bob Merski  
Bob Merski, Sheriff

00/00/0000

Sworn and subscribed to before me

this 18th day of October  
2001 A.D.

Barbara D. Turner  
Notary



RECEIPT FOR PAYMENT

Erie County Pennsylvania  
140 West Sixth St - 4th Floor  
Erie, PA 16501-1077

Receipt Date 10/01/2001  
Receipt Time 13:43:38  
Receipt No. 143467

FIRST UNION NATIONAL BANK (VS) RODNEY A SMITH

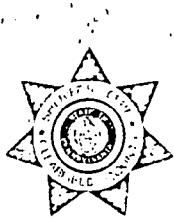
Case Number 2001-01239 T  
Service Info  
Remarks PD ATTY UDREN  
BT/CIVIL

Total Check... + 58.00  
Total Cash.... + .00  
Cash Out..... - .00  
Receipt total. = 58.00

Check No. 53670

----- Distribution Of Payment -----

Transaction Description	Payment Amount	
SHERIFF FEES	58.00	TREASURER OF ERIE COUNTY
	58.00	



# Sheriff's Office Clearfield County

OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533  
CLEARFIELD COUNTY FAX  
(814) 765-5915

CHESTER A. HAWKINS  
SHERIFF

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

DARLENE SHULTZ  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

MARGARET PUTT  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

FIRST UNION NATIONAL BANK

TERM & NO. 01-1239-CD

vs

SERVE BY: 10/25/01

RODNEY A. SMITH

or

HEARING DATE:

DOCUMENT TO BE SERVED:

COMPLAINT IN MORTGAGE FORECLOSURE

**MAKE REFUND PAYABLE TO:** MARK J. UDREN & ASSOC.

**SERVE:** RODNEY A. SMITH

**ADDRESS:** 3304 Rose Ave., Apt #24, Erie, Pa. 16510

ATTORNEY REQUESTS NO MORE THAN (3) ATTEMPTS

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

This Deputation being made at the request and risk of the Plaintiff this 26th day of September 2001.

Respectfully,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858  
Defendant(s)

NO. 01-1239-C

COMPLAINT IN MORTGAGE FORECLOSURE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYERS REFERRAL SERVICE  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

**COPY**  
30  
JUL 30 2001

William A. Shaw  
Prothonotary

9-25-01 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy Prothonotary

**COPY**  
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

9-26-01  
SEP 25 2001

Attest.

*William A. Shaw*  
Prothonotary

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

ATTORNEY FOR PLAINTIFF  
WE HEREBY CERTIFY THE  
WITHIN TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
*[Handwritten signature]*

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858  
Defendant(s)

NO.

#### COMPLAINT IN MORTGAGE FORECLOSURE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYERS REFERRAL SERVICE  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

**AVISO**

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

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

**Lawyer Referral Service  
David S. Meholick, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982**

## NOTICE

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

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

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

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

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

Assignor: EquiFirst Corporation  
Assignments of Record to: EFC Holdings Corporation  
Recording Date: 4/8/99 INSTR NO.: 199905326

Assignor: EFC Holdings Corporation  
Assignments of Record to: TMS Mortgage Inc.  
Recording Date: 4/8/99 INSTR NO.: 199905327

Assignor: TMS Mortgage Inc.  
Assignments of Record to: First Union National Bank  
Recording Date: LODGED FOR RECORDING

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

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

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: Rural Route 1, Box 687  
MUNICIPALITY/TOWNSHIP/BOROUGH: Morris Township  
COUNTY: Clearfield  
DATE EXECUTED: 1/25/99  
DATE RECORDED: 1/29/99 INSTR NO.: 199901434

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

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by said Mortgage itemized below, shall be immediately due.

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

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

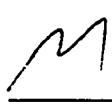
6. The following amounts are due on the said Mortgage as of 7/12/01:

Principal of debt due and unpaid Interest at 10.75% from 3/1/01 to 7/12/01 (the per diem interest accruing on this debt is \$17.32 and that sum should be added each day after 7/12/01)	\$58,796.21 2,320.88
Title Report	250.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Escrow Overdraft/(Balance) (The monthly escrow on this account is \$285.84 and that sum should be added on the first of each month after 7/12/01)	2,683.70
Late Charges (monthly late charge of \$27.77 should be added on the fifteenth of each month after 7/12/01)	333.24
Suspense Balance Corporate Advance	(130.04) 2,795.69
Attorneys Fees (anticipated and actual to 5% of principal)	2,939.81
<b>TOTAL</b>	<b>\$70,269.49</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of the Commonwealth of Pennsylvania is not required as the original principal amount exceeds the sum of \$50,000.00. The notice specified by the Pennsylvania Homeowner's Emergency Mortgage Assistance Program, Act 91 of 1983, has been sent as required on the date appearing on the copy attached hereto as Exhibit "A", and Defendant(s) have failed to proceed within the time limits, or have been determined ineligible, or Plaintiff has not been notified in a timely manner of Defendant(s) eligibility.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$70,269.49 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.



---

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

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY LEGISLATIVE ROUTE 17060, LEADING FROM MORRISDALE TO WALLACETON, SAID RIGHT-OF-WAY LINE BEING (16.5) FEET FROM THE CENTERLINE THEREOF, SAID IRON PIN BEING A COMMON CORNER OF THE LANDS OF JAMES MERRITT AND THESE LANDS BEING DESCRIBED; THENCE BY THE LINE OF LANDS OF SAID JAMES MERRITT, SOUTH SEVEN DEGREES THIRTY MINUTES WEST (S 7 DEGREES 30' W) ONE HUNDRED SEVENTY-FIVE (175.0) FEET TO AN IRON PIN CORNER; THENCE BY THE LANDS OF THE NORMAN SHIMMEL ESTATE, NORTH EIGHTY TWO DEGREES THIRTY MINUTES WEST (N 82 DEGREES 30' W) ONE HUNDRED NINETY-ONE AND TWO-TENTHS (191.2) FEET TO AN IRON PIN CORNER; THENCE BY THE RESIDUE OF A PARCEL OF WHICH THIS BEING A PART OF, OR THE LANDS OF FORMER GRANTOR, MARCELLA M. COUDRIET, NORTH SEVEN DEGREES THIRTY MINUTES EAST (N 7 DEGREES 30' E) TWO HUNDRED THIRTY-ONE AND FIVE-TENTHS (231.5) FEET TO AN IRON PIN CORNER ON THE RIGHT-OF-WAY LINE OF SAID LEGISLATIVE ROUTE 17060; THENCE BY SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH SIXTY-ONE DEGREES ONE MINUTE EAST (S 61 DEGREES 01' E) ONE HUNDRED (100.0) FEET TO A STAKE CORNER; THENCE SOUTH SEVENTY-ONE DEGREES ONE MINUTE EAST (S 71 DEGREES 01' E) ONE HUNDRED FEET TO AN IRON PIN CORNER AND THE PLACE OF BEGINNING. CONTAINING 0.89 ACRES.



DF985

RODNEY A SMITH

RURAL RT 1 BOX 687  
MORRISDALE, PA 16858

June 4, 2001

NBRC 0040425530

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

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

The HOMEOWNER'S EMERGENCY 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, 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 NOTIFICAION 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 IMMEDIATAMENTE 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.

HOMEOWNERS NAME(S): RODNEY A SMITH  
PROPERTY ADDRESS: RURAL RT 1 BOX 687  
MORRISDALE, PA 16858

LOAN ACCOUNT NUMBER: 0040425530  
CURRENT LENDER/SERVICER: HomEq Servicing Corporation

EXHIBIT A

**IMPORTANT INFORMATION ON THE BACK OF THIS PAGE**

## HOMEOWNERS' 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 PROVISION 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,**
- **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 the 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 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 attend a face-to-face meeting with one of the consumer credit counseling agencies listed at the end of this Notice, the lender may NOT take further action against you for thirty (30) days after the date of this meeting. **The names, addresses and telephone numbers of designated consumer counseling agencies for the county in which your property is located are set forth at the end of this Notice.** It is only necessary to schedule one face-to-face meeting. You should advise this 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 Fund. 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 completed 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.**

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

RURAL RT 1 BOX 687 MORRISDALE, PA 16858 MORRISDALE PA 16858

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:

a) Number of Payments Delinquent:	3
b) Delinquent Amount Due:	\$2,523.78
c) Late Charges:	\$ 305.47
d) Recoverable Corporate Advances	\$ 2,690.10
e) Other Charges and Advances	\$ 0.0
f) Less funds in Suspense:	\$ 130.04
e) Total amount required as of (due date)	\$ 5,389.31

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

**HOW TO CURE THE DEFAULT** - You may cure this default within THIRTY (30) days from the date of this letter BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$ 5,389.31) PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES (and other charges) WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cashier's check, certified check, or money order made payable to:

Regular Mail  
HomEq Servicing Corporation  
P.O. Box 96053 Charlotte, NC 28296-0053

Overnight  
FUNB Lockbox 96053  
1525 West W.T. Harris Blvd.  
Charlotte, NC 28262-00

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter: (Do not use if not applicable.)

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**IF YOU DO NOT CURE THE DEFAULT** - If you do not cure the default within THIRTY (30) days of this letter date, 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 OF THE LETTER DATE, HomEq Servicing Corporation also intends to instruct their attorneys to start a legal action to foreclose upon your mortgaged property.

**IF THE MORTGAGE IS FORECLOSED UPON**- The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before they begin legal proceedings against you, you will still be required to pay the reasonable attorney's fees 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 even if they are over \$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 attorneys' fees.

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

**RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE**- If you have not cured the default within the THIRTY (30) day period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount then past due plus any late charges, charges then due, reasonable attorneys' 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.

**IMPORTANT INFORMATION ON THE BACK OF THIS PAGE**

**EARLIEST POSSIBLE SHERIFF'S SALE DATE**- It is estimated that the earliest date that such Sheriff's sale could be held is 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 BY TELEPHONE OR MAIL:**

Name of Lender:	HomEq Servicing Corporation
Address:	P.O Box 13716
Telephone Number:	Sacramento, CA95853
Fax Number:	800 795-5125 Ext. 10302
	916-339-6910

**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 not sell or transfer your home to a buyer or transferee who will assume the mortgage debt.

**YOU MAY ALSO HAVE THE RIGHT**

- TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR BORROWER MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
- TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
- TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THE RIGHT TO CURE YOUR DEFAULTS ANY MORE THAN THREE TIMES IN A 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.

THE CONSUMER CREDIT COUNSELING AGENCIES SERVING YOUR COUNTY IS ATTACHED TO THIS LETTER

Sincerely,

HomEq Servicing Corporation

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

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



---

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

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

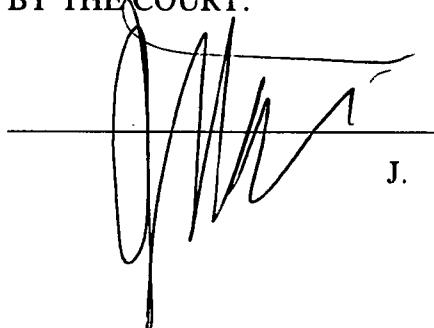
ATTORNEY FOR PLAINTIFF

First Union National Bank	COURT OF COMMON PLEAS
Plaintiff	CIVIL DIVISION
	Clearfield County
v.	
Rodney A. Smith	
Defendant(s)	NO. 01-1239-CD

O R D E R

AND NOW, this 6<sup>th</sup> day of November, 2001, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith investigation attached hereto, it is hereby ORDERED that service of the Complaint in Mortgage Foreclosure and all subsequent pleadings on Defendant(s), Rodney A. Smith, shall be complete when Plaintiff or its counsel or agent has mailed true and correct copies of the Complaint in Mortgage Foreclosure and all subsequent pleadings by certified mail and regular mail to the last known address of Defendant(s), Rodney A. Smith at Rural Route 1, Box 687, Morrisdale, PA 16858 and by posting the mortgaged premises at Rural Route 1, Box 687, Morrisdale, PA 16858.

BY THE COURT:



J.

FILED  
NOV 06 2001

William A. Shaw  
Prothonotary

FILED acc  
NOV 18 2001 Amy Under  
06 2001

William A. Shaw  
Prothonotary

*JKB*

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

**ATTORNEY FOR PLAINTIFF**

First Union National Bank  
Plaintiff

v.  
Rodney A. Smith  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
NO. 01-1239-CD

**FILED**

NOV 02 2001

William A. Shaw  
Prothonotary

**MOTION FOR SPECIAL SERVICE PURSUANT  
TO SPECIAL ORDER OF COURT**

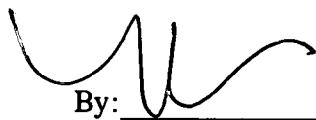
Plaintiff, by its counsel, Mark J. Udren, Esquire, moves this Honorable Court for an Order directing service of the Complaint in Mortgage Foreclosure upon Defendant(s), Rodney A. Smith by regular mail and certified mail and in support thereof avers the following:

1. Process was unable to be served at the then last known address of said Defendant(s) at Rural Route 1, Box 687, Morrisdale, PA 16858, which is the mortgaged premises. A copy of the Return of Service is attached hereto as Exhibit A.
2. Pursuant to information obtained from the Clearfield County Sheriff's Office, process was also unable to be served at 3304 Rose Avenue, Apt. 24, Erie, PA 16510. A copy of the Verification of Service is attached hereto as Exhibit B.
3. Pursuant to Pa.R.C.P. 430, Plaintiff made a Good Faith Investigation, the report thereof being attached hereto as Exhibit C.
4. Said investigation was unable to determine an alternate address for said Defendant(s).

5. The last known address of Defendant(s) is as set forth in the attached Exhibits.

WHEREFORE, Plaintiff prays and respectfully requests that this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint in Mortgage Foreclosure by regular mail and certified mail upon said Defendant(s), Rodney A. Smith.

MARK J. UDREN & ASSOCIATES

  
By: \_\_\_\_\_  
Mark J. Udren, Esquire  
Attorney for Plaintiff

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

**ATTORNEY FOR PLAINTIFF**

First Union National Bank  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.  
Rodney A. Smith  
Defendant(s)

NO. 01-1239-CD

### **MEMORANDUM OF LAW**

Pennsylvania Rule of Civil Procedure 430(a) specifically provides:

(a) If service cannot be made under the applicable rule the plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

NOTE: A sheriff's return of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). Notice of intended adoption mailed to last known address requires a "good faith effort" to discover the correct address. Adoption of Walker, 468 Pa. 165, 360 A2d 603 (1976).

An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends and employers of the defendant and (3) examinations of local telephone directories, voter registration records, local tax records, and motor vehicle records.

As set forth in the Return of Service marked Exhibit A and the Verification of Service marked Exhibit B, the Sheriff and/or Process Server has been unable to serve the Complaint in Mortgage Foreclosure. A good faith effort to discover the whereabouts of the Defendant(s) has been made as evidenced by the attached Affidavit of Good Faith Investigation marked Exhibit C.

WHEREFORE, Plaintiff prays and respectfully requests service of the Complaint in  
Mortgage Foreclosure upon Defendant(s) Rodney A. Smith by regular mail and certified mail.

MARK J. UDREN & ASSOCIATES

By: \_\_\_\_\_  
Mark J. Udren, Esquire  
Attorney for Plaintiff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11316

FIRST UNION NATIONAL BANK

01-1239-CD

VS.

SMITH, RODNEY A.

COPY

COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW AUGUST 29, 2001 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN  
THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO  
RODNEY A. SMITH, DEFENDANT. NEW ADDRESS: 3304 ROSE AVE., APT 24,  
ERIE, PA. 16510.

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Return Costs

Cost	Description
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30.35	SHFF. HAWKINS PAID BY: ATTY.
-------	------------------------------

10.00	SURCHARGE PAID BY: ATTY.
-------	--------------------------

Sworn to Before Me This

So Answers,

\_\_\_\_ Day Of \_\_\_\_\_ 2001



\_\_\_\_\_  
Chester A. Hawkins  
Sheriff

0120787  
MUTT 0000801  
Clerk

EXHIBIT A

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

**ATTORNEY FOR PLAINTIFF**

First Union National Bank  
Plaintiff

v.

Rodney A. Smith

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

NO. 01-1239-CD

**VERIFICATION OF SERVICE**

Based upon information supplied by the Sheriff of Erie County,  
service of the Complaint in Mortgage Foreclosure upon the below  
listed Defendant(s) was unsuccessful in accordance with Pa.R.C.P.  
402 or 3129.2:

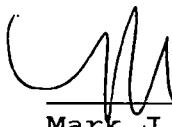
Defendant: Rodney A. Smith

Place of Service: 3304 Rose Avenue, Apt. 24  
Erie, PA 16510

Defendant not found because: Moved X Unknown No Answer  
Vacant. Other: Per current residents- they have lived at the  
above address for 4 months and have never heard of the defendant.

Mark J. Udren, Esquire, the undersigned, understands that the  
statements herein set forth above are made subject to the  
penalties of 18 Pa.C.S. Section 4904 relating to unsworn  
falsification to authorities.

October 30, 2001

  
\_\_\_\_\_  
Mark J. Udren, Esquire  
Attorney for Plaintiff

**EXHIBIT B**

## PLAYERS NATIONAL LOCATOR

## AFFIDAVIT OF GOOD FAITH INVESTIGATION

Loan Number: 0126787

Attorney Firm MARK J UDREN & ASSOCIATES

Case Number.

Subject: RODNEY SMITH

A.K.A. RODNEY A SMITH

Last Known Address RR 1 BOX 687  
MORRISDALE, PA 16858

EXHIBIT C

Last Known Number: (814) 342-4105

Michael K Gross, being duly sworn according to law, deposes and says:

1. I am employed in the capacity of President for Players National Locator
2. On 10/30/2001, I conducted an investigation into the whereabouts of the above named defendant(s). The results of my investigation are as follows

CREDIT INFORMATION -

A. SOCIAL SECURITY NUMBER. 168-64-4878

B. EMPLOYMENT SEARCH

Unable to locate a good employer for Rodney Smith.

C. INQUIRY OF CREDITORS.

Creditors indicated that Rodney is using an address of RR 1 Box 687, Morrisdale, Pa. 16858 with no valid home number.

INQUIRY OF TELEPHONE COMPANY -

A. DIRECTORY ASSISTANCE SEARCH:

Directory assistance does not have a listing for Rodney Smith.

INQUIRY OF NEIGHBORS -

We were unable to contact any neighbors to verify if Rodney is still living at RR 1 Box 687, Morrisdale, Pa. 16858.

INQUIRY OF POST OFFICE -

A. NATIONAL ADDRESS UPDATE:

As of October 23, 2001 the National Change of Address (NCOA) does not have a change for Rodney.

MOTOR VEHICLE REGISTRATION -

A. MOTOR VEHICLE & DMV OFFICE:

The Pennsylvania Department of Drivers Licensing has Rodney listed at RR 1 Box 687, Morrisdale, Pa. 16858.

OTHER INQUIRIES -

A. DEATH RECORDS:

As of October 23, 2001 the Social Security Administration does not have a death record in the name Rodney Smith and/or a.k.a.'s under his social security number.

B PUBLIC LICENSES ( PILOT, REAL ESTATE, ETC. ):  
None found.

C COUNTY VOTER REGISTRATION:  
The County Voters Registration Office does not have a listing for Rodney Smith.

ADDITIONAL INFORMATION ON SUBJECT -

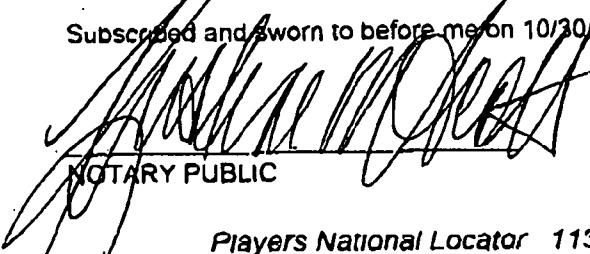
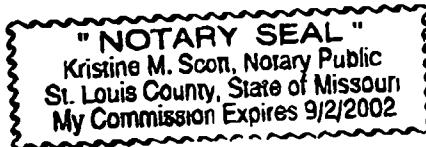
A DATE OF BIRTH:

April 1966



AFFIANT Michael K Gross

Subscribed and sworn to before me on 10/30/2001

  
NOTARY PUBLIC

Players National Locator 113 Old State Road, Suite 104 St. Louis, MO 63021  
Phone: (636) 230-9922 Fax: (636) 230-0558

EXHIBIT C

**VERIFICATION**

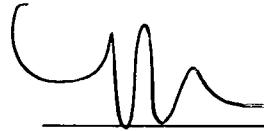
Mark J. Udren, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to take this Verification, and that the statements made in the foregoing **MOTION FOR SPECIAL SERVICE PURSUANT TO SPECIAL ORDER OF COURT** are true and correct to the best of his knowledge, 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 falsification to authorities.

**MARK J. UDREN & ASSOCIATES**

Date:

11/11/01



---

Mark J. Udren, Esquire  
Attorney for Plaintiff

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

**ATTORNEY FOR PLAINTIFF**

First Union National Bank  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.  
Rodney A. Smith  
Defendant(s)

NO. 01-1239-CD

**CERTIFICATE OF SERVICE**

I, Mark J. Udren, Esquire hereby certify that I have served true and correct copies of the attached Motion For Special Service upon the following person(s) named herein at their last known address or their attorney of record by:

Regular First Class Mail

Certified Mail

Other

Date Served: November 1, 2001

TO: Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

MARK J. UDREN & ASSOCIATES

By: \_\_\_\_\_

Mark J. Udren, Esquire  
Attorney for Plaintiff

**FILED**

NOV 02 2001  
MILLER  
William A. Shaw  
Prothonotary  
*ESB*

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff  
v.  
Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 01-1239-CD

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Complaint on the above-captioned matter.

DATE: November 12, 2001

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED *Atty pd.  
7.00*  
m 110:45 2001 Complaint  
NOV 29 2001 Re-instated to  
Shaw

William A. Shaw  
Prothonotary

*Q:  
RCS*

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858  
Defendant(s)

01-1239-C  
NO.

COMPLAINT IN MORTGAGE FORECLOSURE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYERS REFERRAL SERVICE  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

**COPY**  
3:01  
JUL 31 2001

William A. Shaw  
Prothonotary

9-25-01 Document 1  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy Prothonotary

**COPY**  
2126787

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

First Union National Bank  
Plaintiff

v.  
Rodney A. Smith  
Defendant(s)

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
NO. 01-1239-CD

ORDER

AND NOW, this 6<sup>th</sup> day of November, 2001, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith investigation attached hereto, it is hereby ORDERED that service of the Complaint in Mortgage Foreclosure and all subsequent pleadings on Defendant(s), Rodney A. Smith, shall be complete when Plaintiff or its counsel or agent has mailed true and correct copies of the Complaint in Mortgage Foreclosure and all subsequent pleadings by certified mail and regular mail to the last known address of Defendant(s), Rodney A. Smith at Rural Route 1, Box 687, Morrisdale, PA 16858 and by posting the mortgaged premises at Rural Route 1, Box 687, Morrisdale, PA 16858.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

NOV 6 2001

Attest:

William L. Prothonotary

0106787

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
Plaintiff  
v.  
Rodney A. Smith  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
NO. 01-1239-CD

VERIFICATION OF SERVICE BY CERTIFIED MAIL AND  
REGULAR MAIL PURSUANT TO COURT ORDER

The undersigned hereby verifies that he is counsel for Plaintiff in the above case and that pursuant to the Court order issued in this matter he mailed a true and correct copy of the Complaint in Mortgage Foreclosure to Defendant(s), by certified mail and regular first class mail, to the last known address of Defendant(s) as follows:

DATE MAILED: 11/30/2001

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

I verify that the statements made herein are true and correct and I understand that false statements made herein are subject to the penalties relating to unsworn falsification to authorities.

Dated: 11/30/01

MARK J. UDREN & ASSOCIATES

  
\_\_\_\_\_  
Mark J. Udren, Esquire  
Attorney for Plaintiff

FILED

DEC 03 2001

William A. Shaw  
Prothonotary

**CERTIFIED MAIL**

MAEK J. UDICK & ASSOCIATES,  
10-10 N. KING'S HIGHWAY  
SUITE 500  
CHERRY HILL, NJ 08004



7000 1530 0004 9044 5895

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

RECEIVED		U.S.	
Postage	\$ 80	Postmark	None
Certified Fee	\$ 10		
	\$ 150		
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$ 440		

5685 406 400 400 DEST 0002

Send To  
Rodney A. Smith  
Street, Apt. No., or P.O. Box No.  
City, State, ZIP+4  
Morrisdale, PA 16858  
PS Form 3800, May 2000  
See Reverse for Instructions



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

**Sheriff Docket # 11316**

**FIRST UNION NATIONAL BANK**

**01-1239-CD**

**VS.**

**SMITH, RODNEY A.**

**COMPLAINT IN MORTGAGE FORECLOSURE**

**SHERIFF RETURNS**

---

**NOW DECEMBER 5, 2001 AT 2:13 PM EST POSTED THE COMPLAINT IN  
MORTGAGE FORECLOSURE & ORDER ON THE PROPERTY OF RODNEY A.  
SMITH, DEFENDANT AT RR#1 BOX 687, MORRISDALE, CLEARFIELD COUNTY,  
PENNSYLVANIA.**

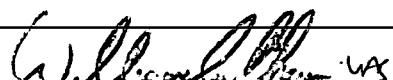
---

**Return Costs**

<b>Cost</b>	<b>Description</b>
<b>21.69</b>	<b>SHFF. HAWKINS PAID BY: ATTY.</b>
<b>10.00</b>	<b>SURCHARGE PAID BY: ATTY.</b>

**Sworn to Before Me This**

7 Day Of Dec 2001



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

**So Answers,**

  
Chester A. Hawkins  
Sheriff

**FILED**

DEC 07 2001  
1:30 PM  
William A. Shaw  
Prothonotary



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

ATTORNEY FOR PLAINTIFF

First Union National Bank One Old Country Road Suite 429 Carle Place, NY 11514	COURT OF COMMON PLEAS CIVIL DIVISION Clearfield County
Plaintiff	MORTGAGE FORECLOSURE
v.	
Rodney A. Smith Rural Routel, Box 687 Morrisdale, PA 16858	NO. 01-1239-CD
Defendant(s)	

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

TO THE PROTHONOTARY:

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

As set forth in Complaint	\$70,269.49
Interest Per Complaint	3,117.60
From 7/13/01 to 1/8/02	
Late charges per Complaint	166.62
From 7/13/01 to 1/8/02	
Escrow payment per Complaint	<u>1,715.04</u>
From 7/13/01 to 1/8/02	
 TOTAL	 <u>\$75,268.75</u>

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

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 1-15-02

PRO PROTHY

**FILED**

JAN 15 2002

William A. Shaw  
Prothonotary

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION

Clearfield County

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

DATED: December 28, 2001  
TO: Rodney A. Smith  
8197 Buercrest Drive  
Erie, PA 16509

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE  
Lawyer Referral Service  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

NOTIFICACION IMPORTANTE

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

SERVICIO DE REFERENCIA LEGAL  
LAWYER REFERRAL SERVICE  
Lawyer Referral Service  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

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

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

v.  
Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858  
Defendant(s)

NO. 01-1239-CD

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF *New Jersey* :  
COUNTY OF *Camden* : SS :  
:

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

Defendant: Rodney A. Smith  
Age: Over 18  
Residence: As captioned above  
Employment: Unknown

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

Sworn to and subscribed  
before me this 8th day  
of *January*, 2002.

*Mark J. Udren, Esquire*  
Notary Public

Name: *Mark J. Udren, Esquire*  
Title: *Attorney for Plaintiff*  
Company: *Mark J. Udren & Associates*

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

ATTORNEY FOR PLAINTIFF

**COPY**

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

Plaintiff

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

TO: Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NOTICE

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

Prothonotary

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

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-482-6900.

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

Plaintiff

MORTGAGE FORECLOSURE

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

PRAECIPE FOR JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

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

As set forth in Complaint	\$70,269.49
Interest Per Complaint	3,117.60
From 7/13/01 to 1/8/02	
Late charges per Complaint	166.62
From 7/13/01 to 1/8/02	
Escrow payment per Complaint	1,715.04
From 7/13/01 to 1/8/02	
TOTAL	<u>\$75,268.75</u>

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

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 1-15-02

PRO PROTHY

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

ATTORNEY FOR PLAINTIFF

**COPY**

First Union National Bank	:	COURT OF COMMON PLEAS
One Old Country Road	:	CIVIL DIVISION
Suite 429	:	Clearfield County
Carle Place, NY 11514	:	
Plaintiff	:	MORTGAGE FORECLOSURE
v.	:	
Rodney A. Smith	:	
Rural Routel, Box 687	:	NO. 01-1239-CD
Morrisdale, PA 16858	:	
Defendant(s)	:	

TO: Rodney A. Smith  
8197 Buercrest Drive  
Erie, PA 16509

NOTICE

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*Prothonotary*

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

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-482-6900

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

Plaintiff

MORTGAGE FORECLOSURE

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

..

PRAECIPE FOR JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

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Escrow payment per Complaint	<u>1,715.04</u>
From 7/13/01 to 1/8/02	
TOTAL	<u>\$75,268.75</u>

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

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 1-15-02

PRO PROTHY

**FILED**

JAN 15 2002

1/15/02  
William A. Shanahan  
Prothonotary

10 CC

Statement to Atg  
Notice to Atg. for

**COPY**

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

First Union National Bank  
Plaintiff(s)

No.: 2001-01239-CD

Real Debt: \$75,268.75

Atty's Comm:

Vs.

Costs: \$

Int. From:

Rodney A. Smith  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: January 15, 2002

Expires: January 15, 2007

Certified from the record this 15th day of January, 2002

---

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

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

ATTORNEY FOR PLAINTIFF

First Union National Bank One Old Country Road Suite 429 Carle Place, NY 11514	COURT OF COMMON PLEAS CIVIL DIVISION Clearfield County
Plaintiff	MORTGAGE FORECLOSURE
v.	
Rodney A. Smith Rural Route 1, Box 687 Morrisdale, PA 16858	NO. 01-1239-CD
Defendant(s)	

PRAECIPE FOR WRIT OF EXECUTION

TO THE SHERIFF:

Issue Writ of Execution in the above matter:

Amount due	\$75,268.75
Interest From 1/9/02 to Date of Sale	
Per diem @\$17.32	
(Costs to be added)	\$

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

**FILED**

JAN 15 2002

William A. Shaw  
Notary

**FILED**

JAN 15 2002

O(9.37) Atty Under pd \$20.00  
William A. Shaw  
Prothonotary  
Lowrie Shaw

*cc  
dcp*

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

ATTORNEY FOR PLAINTIFF

**COPY**

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

Plaintiff

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

**WRIT OF EXECUTION**

TO THE SHERIFF OF Clearfield COUNTY:

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

Rural Route 1, Box 687  
Morrisdale, PA 16858  
SEE LEGAL DESCRIPTION ATTACHED

Amount due	\$75,268.75
Interest From 1/9/02 to Date of Sale _____ Per diem @\$17.32	_____
(Costs to be added)	\$ 134.00

By Willie L. Shan Prothonotary  
Clerk

Date 1.15.02

COURT OF COMMON PLEAS  
NO. 01-1239-CD

First Union National Bank  
vs.  
Rodney A. Smith

W<sup>IT</sup> OF EXECUTION

REAL DEBT	\$ 75,268.75
INTEREST from 1/9/02 to Date of Sale Per diem @ \$17.32	\$ _____

COSTS PAID:  
PROTHY

**SHERIFF**

## STATUTORY

COSTS DUE PROTHY. \$ 134.00

**PREMISES TO BE SOLD:**

~~Rural Route 1, Box 687  
Morrisdale, PA 16858~~

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

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY LEGISLATIVE ROUTE 17060, LEADING FROM MORRISDALE TO WALLACETON, SAID RIGHT-OF-WAY LINE BEING (16.5) FEET FROM THE CENTERLINE THEREOF, SAID IRON PIN BEING A COMMON CORNER OF THE LANDS OF JAMES MERRITT AND THESE LANDS BEING DESCRIBED; THENCE BY THE LINE OF LANDS OF SAID JAMES MERRITT, SOUTH SEVEN DEGREES THIRTY MINUTES WEST (S 7 DEGREES 30' W) ONE HUNDRED SEVENTY-FIVE (175.0) FEET TO AN IRON PIN CORNER; THENCE BY THE LANDS OF THE NORMAN SHIMMEL ESTATE, NORTH EIGHTY TWO DEGREES THIRTY MINUTES WEST (N 82 DEGREES 30' W) ONE HUNDRED NINETY-ONE AND TWO-TENTHS (191.2) FEET TO AN IRON PIN CORNER; THENCE BY THE RESIDUE OF A PARCEL OF WHICH THIS BEING A PART OF, OR THE LANDS OF FORMER GRANTOR, MARCELLA M. COUDRIET, NORTH SEVEN DEGREES THIRTY MINUTES EAST (N 7 DEGREES 30' E) TWO HUNDRED THIRTY-ONE AND FIVE-TENTHS (231.5) FEET TO AN IRON PIN CORNER ON THE RIGHT-OF-WAY LINE OF SAID LEGISLATIVE ROUTE 17060; THENCE BY SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH SIXTY-ONE DEGREES ONE MINUTE EAST (S 61 DEGREES 01' E) ONE HUNDRED (100.0) FEET TO A STAKE CORNER; THENCE SOUTH SEVENTY-ONE DEGREES ONE MINUTE EAST (S 71 DEGREES 01' E) ONE HUNDRED FEET TO AN IRON PIN CORNER AND THE PLACE OF BEGINNING. CONTAINING 0.89 ACRES.

BEING KNOWN AS: RR 1, BOX 687, MORRISDALE, PA 16858

TAX ID NO.: 124-P10-000-00065

TITLE TO SAID PREMISES IS VESTED IN RODNEY A. SMITH, AN INDIVIDUAL, BY DEED FROM GILBERT M. DAUBS, A WIDOWER, DATED 4/15/96 AND RECORDED 4/18/96 IN DEED BOOK 1751, PAGE 47.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12103

FIRST UNION NATIONAL BANK

01-1239-CD

VS.  
SMITH, RODNEY A.

WRIT OF EXECUTION REAL ESTATE

**SHERIFF RETURNS**

NOW, JANUARY 17, 2002, RECEIVED FAX FROM FRANK FEDERMAN, ATTORNEY  
FOR THE PLAINTIFF, THAT NO SALE DATE IS TO BE SCHEDULED, DEFENDANT  
HAS FILED FOR BANKRUPTCY.

NOW, APRIL 23, 2002, RETURN WRIT AS NO SALE HELD, DEFENDANT FILED  
FOR BANKRUPTCY. PAID COSTS FROM ADVANCE AND MADE REFUND OF  
UNUSED ADVANCE TO THE ATTORNEY.

**FILED**

SHERIFF HAWKINS \$9.00  
SURCHARGE \$20.00  
PAID BY ATTORNEY

APR 24 2002  
018150 am  
William A. Shaw  
Prothonotary

Sworn to Before Me This

24 Day Of April 2002  
William A. Shaw

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

So Answers,

Chester Hawkins  
By Margaret W. Dutt  
Chester A. Hawkins  
Sheriff

**MARK J. UDREN & ASSOCIATES**  
**1040 NORTH KINGS HIGHWAY**  
**SUITE 500**  
**CHERRY HILL, NEW JERSEY 08034**  
**856.482.6900**  
**FAX: 856.482.1199**

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

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

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

**PLEASE RESPOND TO NEW JERSEY OFFICE**

January 17, 2002

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

Clearfield County Sheriff's Office  
 Clearfield County Courthouse  
 1 North Second Street, Suite 116  
 Clearfield, PA 16830  
 ATTN: Peggy

Re: First Union National Bank  
 vs.  
 Rodney A. Smith  
 Clearfield County C.C.P. No. 01-1239-CD  
 Premises: Rural Route 1, Box 687, Morrisdale, PA 16858  
 SS Date: SALE DATE HAS NOT BEEN SET

Dear Peggy:

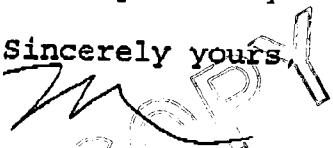
Please do not schedule a sale date for the above reference property.

A Sale Date is not be scheduled for the following reason:

Defendant (s) have filed Chapter 7 Bankruptcy on January 14, 2002 in the Western District. Case number #02-100-81.

Thank you for your attention to this matter.

sincerely yours,



Mark J. Udren  
 MARK J. UDREN & ASSOCIATES

/jlb

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

Plaintiff

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

Rural Route 1, Box 687  
Morrisdale, PA 16858  
SEE LEGAL DESCRIPTION ATTACHED

Amount due	\$75,268.75
Interest From 1/9/02 to Date of Sale _____ Per diem @\$17.32	_____
(Costs to be added)	\$ 134.00

Prothonotary

William L. Shanahan  
Clerk

RECEIVED JAN 15 2002

By \_\_\_\_\_

⑥ 9:48 AM

Wester A. Hunter  
by Margaret N. Pelt

Date 1/15/02

COURT OF COMMON PLEAS  
NO. 01-1239-CD

First Union National Bank  
vs.  
Rodney A. Smith

WRIT OF EXECUTION

REAL DEBT \$ 75,268.75

INTEREST \$  
from 1/9/02 to  
Date of Sale \_\_\_\_\_  
Per diem @\$17.32

COSTS PAID:  
PROTHY \$ \_\_\_\_\_

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

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

COSTS DUE PROTHY. \$ 134.00

PREMISES TO BE SOLD:  
Rural Route 1, Box 687  
Morristown, PA 16858

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

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY LEGISLATIVE ROUTE 17060, LEADING FROM MORRISDALE TO WALLACETON, SAID RIGHT-OF-WAY LINE BEING (16.5) FEET FROM THE CENTERLINE THEREOF, SAID IRON PIN BEING A COMMON CORNER OF THE LANDS OF JAMES MERRITT AND THESE LANDS BEING DESCRIBED; THENCE BY THE LINE OF LANDS OF SAID JAMES MERRITT, SOUTH SEVEN DEGREES THIRTY MINUTES WEST (S 7 DEGREES 30' W) ONE HUNDRED SEVENTY-FIVE (175.0) FEET TO AN IRON PIN CORNER; THENCE BY THE LANDS OF THE NORMAN SHIMMEL ESTATE, NORTH EIGHTY TWO DEGREES THIRTY MINUTES WEST (N 82 DEGREES 30' W) ONE HUNDRED NINETY-ONE AND TWO-TENTHS (191.2) FEET TO AN IRON PIN CORNER; THENCE BY THE RESIDUE OF A PARCEL OF WHICH THIS BEING A PART OF, OR THE LANDS OF FORMER GRANTOR, MARCELLA M. COUDRIET, NORTH SEVEN DEGREES THIRTY MINUTES EAST (N 7 DEGREES 30' E) TWO HUNDRED THIRTY-ONE AND FIVE-TENTHS (231.5) FEET TO AN IRON PIN CORNER ON THE RIGHT-OF-WAY LINE OF SAID LEGISLATIVE ROUTE 17060; THENCE BY SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH SIXTY-ONE DEGREES ONE MINUTE EAST (S 61 DEGREES 01' E) ONE HUNDRED (100.0) FEET TO A STAKE CORNER; THENCE SOUTH SEVENTY-ONE DEGREES ONE MINUTE EAST (S 71 DEGREES 01' E) ONE HUNDRED FEET TO AN IRON PIN CORNER AND THE PLACE OF BEGINNING. CONTAINING 0.89 ACRES.

BEING KNOWN AS: RR 1, BOX 687, MORRISDALE, PA 16858

TAX ID NO.: 124-P10-000-00065

TITLE TO SAID PREMISES IS VESTED IN RODNEY A. SMITH, AN INDIVIDUAL, BY DEED FROM GILBERT M. DAUBS, A WIDOWER, DATED 4/15/96 AND RECORDED 4/18/96 IN DEED BOOK 1751, PAGE 47.

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

ATTORNEY FOR PLAINTIFF

First Union National Bank : COURT OF COMMON PLEAS  
One Old Country Road : CIVIL DIVISION  
Suite 429 : Clearfield County  
Carle Place, NY 11514 :  
Plaintiff : MORTGAGE FORECLOSURE  
v. :  
Rodney A. Smith : NO. 01-1239-CD  
Rural Routel, Box 687 :  
Morrisdale, PA 16858 :  
Defendant(s) :  
:

**FILED**

APR 30 2002

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

William A. Shaw  
Prothonotary

TO THE PROTHONOTARY:

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

As set forth in Complaint	\$70,269.49
Interest Per Complaint	4,970.84
From 7/13/01 to 4/25/02	
Late charges per Complaint	277.70
From 7/13/01 to 4/25/02	
Escrow payment per Complaint	2,572.56
From 7/13/01 to 4/25/02	
TOTAL	\$78,090.59

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

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 4/30/02

*William A. Shaw*  
PRO PROTHY

**COPY**

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

First Union National Bank  
Plaintiff(s)

No.: 2001-01239-CD

Real Debt: \$78,090.59

Atty's Comm:

Vs.

Costs: \$

Int. From:

Rodney A. Smith  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 30, 2002

Expires: April 30, 2007

Certified from the record this 30th of April, 2002

---

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

## U.S. Bankruptcy Court

Western District of Pennsylvania (Erie)

- *Bankruptcy Petition #:* 02-10081 *Date filed:* 1/14/02
- *Assigned to:* Warren W. Bentz
- Chapter 7, voluntary, individual, no asset

6126787  
Loan No.  
40425530

* Parties *	* Attorneys *
<b>RODNEY ALLEN SMITH</b> 8197 Biercrest Drive Erie, PA 16509 SSN: 168-64-4878 * Debtor *	<b>Theodore Benjamin Ely, II</b> Ely & Smith 23 West Tenth Street Erie, PA 16501 814-455-1381
<b>THOMAS P. AGRESTI</b> 319 West Tenth Street Erie, PA 16502 * Trustee *	

## Docket Proceedings

Date	Doc. No.	Docket Entry
1/14/02	1	Voluntary Petition Under Chapter 7, all schedules and , statements. Filing Fee \$ 200.00 Receipt # 16119 () (avay) [EOD 01/15/02]
1/14/02	2	Notice to Individual Consumer Debtor(s). (avay) [EOD 01/15/02]
1/15/02	--	341 Meeting of Creditors Scheduled For 9:30 2/20/02 At Room 302, Erie Last Day To Oppose Discharge: 4/22/02 # of Schedule Pages = 11 at a cost of: \$ 5.50 (avay) [EOD 01/15/02]
1/17/02	--	Courts BNC Certificate of Service Re: [0-0] 341 Meeting . # of Notices: 46 were sent out. (auto) [EOD 01/18/02]
1/23/02	3	Amended Schedules schf and summary. (avay) [EOD 01/24/02]
1/23/02	--	Filing Fee Paid in Full RE: [3-1] Amended Schedules ( Filing Fee \$ 20.00 Receipt # 16238) (avay) [EOD 01/24/02]
1/25/02	4	Certificate Of Service By Theodore Benjamin Ely for Debtor Rodney Allen

		Smith Of [3-1] Amended Schedules . (avay) [EOD 01/28/02]
2/25/02	5	341 Meeting Held on 2/20/02. (avay) [EOD 02/26/02]
2/25/02	6	Trustee's Report of No Assets. (avay) [EOD 02/26/02]
4/8/02	7	Motion by Debtor Rodney Allen Smith To Avoid Lien With Beneficial Consumer Discount Company - TBE-1 (avay) [EOD 04/09/02]
4/8/02	--	Self Scheduling Documents Re: [7-1] Motion To Avoid Lien With Beneficial Consumer Discount Company - TBE-1 by Rodney Allen Smith . Certificate of Service, Certificate of Default and Proposed Default Order. (avay) [EOD 04/09/02]
4/9/02	8	Default Order Granting [7-1] Motion To Avoid Lien With Beneficial Consumer Discount Company - TBE-1 by Rodney Allen Smith cm: Ely, U.S. Tee (avay) [EOD 04/09/02]
4/11/02	9	Certificate Of Service By Theodore Benjamin Ely for Debtor Rodney Allen Smith Of [8-1] Order TBE-1. (vson) [EOD 04/12/02]
4/22/02	10	Motion By creditor First Union National Bank of Delaware For Relief From Stay - MJU-1 . (avay) [EOD 04/22/02]
4/22/02	--	Filing Fee Paid in Full RE: [10-1] Motion For Relief From Stay - MJU-1 by First Union National Bank of Delaware ( Filing Fee \$ 75.00 Receipt # 1109) (avay) [EOD 04/22/02]
4/22/02	--	Self Scheduling Documents Re: [10-1] Motion For Relief From Stay - MJU-1 by First Union National Bank of Delaware . Certificate of Service, Certificate of Default and Proposed Default Order. (avay) [EOD 04/22/02]
4/22/02	11	Default Order Granting [10-1] Motion For Relief From Stay - MJU-1 by First Union National Bank of Delaware cm: Spivak, U.S. Tee (avay) [EOD 04/22/02]

## Report Criteria

Case Num: 02-10081  
Filed between: 01/01/31 and 04/23/02

End of Report

Transaction Receipt			
04/23/2002 09:46:00			
PACER Login:	mu0011	Client Code:	
Description:	docket report	Case Number:	2002-10081
Billable Pages:	2	Cost:	0.14



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For information or comments, please contact [Pacer Service Center](#)

[PACER Home](#).

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

v.  
Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858  
Defendant(s)

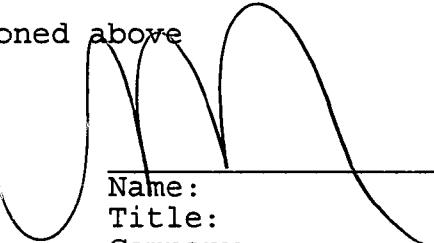
NO. 01-1239-CD

AFFIDAVIT OF NON-MILITARY SERVICE

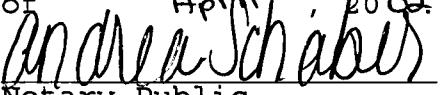
STATE OF :  
: SS  
COUNTY OF :

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

Defendant: Rodney A. Smith  
Age: Over 18  
Residence: As captioned above  
Employment: Unknown

  
Name:  
Title:  
Company:

Sworn to and subscribed  
before me this 25 day  
of April, 2002.

  
Notary Public

ANDREA SCHABER  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Dec. 9, 2003

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
Plaintiff

v.

Rodney A. Smith  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
NO. 01-1239-CD

ORDER

AND NOW, this 6<sup>th</sup> day of November, 2001, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith investigation attached hereto, it is hereby ORDERED that service of the Complaint in Mortgage Foreclosure and all subsequent pleadings on Defendant(s), Rodney A. Smith, shall be complete when Plaintiff or its counsel or agent has mailed true and correct copies of the Complaint in Mortgage Foreclosure and all subsequent pleadings by certified mail and regular mail to the last known address of Defendant(s), Rodney A. Smith at Rural Route 1, Box 687, Morrisdale, PA 16858 and by posting the mortgaged premises at Rural Route 1, Box 687, Morrisdale, PA 16858.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

NOV 06 2001

Attest:

William L. Reilly  
Prothonotary

# 0126787

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

Clearfield County

NO. 01-1239-CD

Defendant(s)

DATED: December 28, 2001  
TO: Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE  
Lawyer Referral Service  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

NOTIFICACION IMPORTANTE

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

SERVICIO DE REFERENCIA LEGAL  
LAWYER REFERRAL SERVICE  
Lawyer Referral Service  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

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

COPY

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

ATTORNEY FOR PLAINTIFF

**COPY**

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

COURT OF COMMON PLEAS  
CIVIL DIVISION

Clearfield County

NO. 01-1239-CD

Defendant(s)

DATED: December 28, 2001  
TO: Rodney A. Smith  
8197 Buercrest Drive  
Erie, PA 16509

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE  
Lawyer Referral Service  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

NOTIFICACION IMPORTANTE

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

SERVICIO DE REFERENCIA LEGAL  
LAWYER REFERRAL SERVICE  
Lawyer Referral Service  
David S. Meholic, Court Admin.  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 Ext. 5982

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

ATTORNEY FOR PLAINTIFF

**COPY**

First Union National Bank One Old Country Road Suite 429 Carle Place, NY 11514	COURT OF COMMON PLEAS CIVIL DIVISION Clearfield County
Plaintiff	MORTGAGE FORECLOSURE
v.	
Rodney A. Smith Rural Route 1, Box 687 Morrisdale, PA 16858	NO. 01-1239-CD
Defendant(s)	

TO: Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

NOTICE

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

Prothonotary

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

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-482-6900

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

Plaintiff

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

**PRAEICE FOR JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

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

As set forth in Complaint	\$70,269.49
Interest Per Complaint	4,970.84
From 7/13/01 to 4/25/02	
Late charges per Complaint	277.70
From 7/13/01 to 4/25/02	
Escrow payment per Complaint	<u>2,572.56</u>
From 7/13/01 to 4/25/02	
<b>TOTAL</b>	<b>\$78,090.59</b>

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

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 4/30/02

*Mark J. Udren*  
PRO PROTHY

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

ATTORNEY FOR PLAINTIFF

**COPY**

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

Plaintiff

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

TO: Rodney A. Smith  
8197 Buercrest Drive  
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ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-482-6900

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

ATTORNEY FOR PLAINTIFF

First Union National Bank One Old Country Road Suite 429 Carle Place, NY 11514	COURT OF COMMON PLEAS CIVIL DIVISION Clearfield County
Plaintiff	MORTGAGE FORECLOSURE
v.	
Rodney A. Smith Rural Routel, Box 687 Morrisdale, PA 16858	NO. 01-1239-CD
Defendant(s)	

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ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

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

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MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: \_\_\_\_\_

PRO PROTHY

**FILED**

APR 30 2002

M 11130 KTT Wides pd \$20.00  
William A. Shaw  
Prothonotary

~~RECEIVED~~

not to pay  
Recd. to atty

*EW*

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

Plaintiff

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

PRAECIPE FOR WRIT OF EXECUTION

TO THE SHERIFF:

Issue Writ of Execution in the above matter:

Amount due \$78,090.59

Interest From April 26, 2002  
to Date of Sale \_\_\_\_\_  
Per diem @\$17.32

(Costs to be added) \$ 317.93

MARK J. UDREN & ASSOCIATES  
Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED

APR 30 2002  
m111301atj, Udren pd \$0.00  
William A. Shaw 6wnts Shery  
Prothonotary

EKL

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

ATTORNEY FOR PLAINTIFF

COPY

First Union National Bank	COURT OF COMMON PLEAS
One Old Country Road	CIVIL DIVISION
Suite 429	Clearfield County
Carle Place, NY 11514	MORTGAGE FORECLOSURE
Plaintiff	
v.	
Rodney A. Smith	NO. 01-1239-CD
Rural Route 1, Box 687	
Morrisdale, PA 16858	
Defendant(s)	

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

Rural Route 1, Box 687, Morrisdale, PA 16858  
SEE LEGAL DESCRIPTION ATTACHED

Amount due	<u>\$78,090.59</u>
Interest From <u>April 26, 2002</u>	
to Date of Sale _____	
Per diem @\$17.32	
(Costs to be added)	\$ <u>317.93</u>

Prothonotary

By \_\_\_\_\_  
Clerk

Date \_\_\_\_\_

COURT OF COMMON PLEAS  
NO. 01-1239-CD

=====  
First Union National Bank  
vs.  
Rodney A. Smith

=====  
WRIT OF EXECUTION  
=====

REAL DEBT \$ 78,090.59

INTEREST \$  
from April 26, 2002 to  
Date of Sale \_\_\_\_\_  
Per diem @\$17.32

COSTS PAID:  
PROTHY \$ 317.93

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

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

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

PREMISES TO BE SOLD:

Rural Route 1, Box 687, Morrisdale, PA 16858

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

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY LEGISLATIVE ROUTE 17060, LEADING FROM MORRISDALE TO WALLACETON, SAID RIGHT-OF-WAY LINE BEING (16.5) FEET FROM THE CENTERLINE THEREOF, SAID IRON PIN BEING A COMMON CORNER OF THE LANDS OF JAMES MERRITT AND THESE LANDS BEING DESCRIBED; THENCE BY THE LINE OF LANDS OF SAID JAMES MERRITT, SOUTH SEVEN DEGREES THIRTY MINUTES WEST (S 7 DEGREES 30' W) ONE HUNDRED SEVENTY-FIVE (175.0) FEET TO AN IRON PIN CORNER; THENCE BY THE LANDS OF THE NORMAN SHIMMEL ESTATE, NORTH EIGHTY TWO DEGREES THIRTY MINUTES WEST (N 82 DEGREES 30' W) ONE HUNDRED NINETY-ONE AND TWO-TENTHS (191.2) FEET TO AN IRON PIN CORNER; THENCE BY THE RESIDUE OF A PARCEL OF WHICH THIS BEING A PART OF, OR THE LANDS OF FORMER GRANTOR, MARCELLA M. COUDRIET, NORTH SEVEN DEGREES THIRTY MINUTES EAST (N 7 DEGREES 30' E) TWO HUNDRED THIRTY-ONE AND FIVE-TENTHS (231.5) FEET TO AN IRON PIN CORNER ON THE RIGHT-OF-WAY LINE OF SAID LEGISLATIVE ROUTE 17060; THENCE BY SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH SIXTY-ONE DEGREES ONE MINUTE EAST (S 61 DEGREES 01' E) ONE HUNDRED (100.0) FEET TO A STAKE CORNER; THENCE SOUTH SEVENTY-ONE DEGREES ONE MINUTE EAST (S 71 DEGREES 01' E) ONE HUNDRED FEET TO AN IRON PIN CORNER AND THE PLACE OF BEGINNING. CONTAINING 0.89 ACRES.

BEING KNOWN AS: RR 1, BOX 687, MORRISDALE, PA 16858

TAX ID NO.: 124-P10-000-00065

TITLE TO SAID PREMISES IS VESTED IN RODNEY A. SMITH, AN INDIVIDUAL, BY DEED FROM GILBERT M. DAUBS, A WIDOWER, DATED 4/15/96 AND RECORDED 4/18/96 IN DEED BOOK 1751, PAGE 47.

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

VERIFICATION OF SERVICE BY CERTIFIED MAIL AND  
REGULAR MAIL PURSUANT TO COURT ORDER

The undersigned hereby verifies that he is counsel for Plaintiff in the above case and that pursuant to the Court order issued in this matter he mailed a true and correct copy of the NOTICE OF SALE to Defendant(s), by certified mail and regular first class mail, to the last known address of Defendant(s) as follows:

DATE MAILED: MAY 20, 2002

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

I verify that the statements made herein are true and correct and I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: MAY 21, 2002

MARK J. UDREN & ASSOCIATES



Mark J. Udren, Esquire

**FILED**

MAY 23 2002

William A. Shaw  
Prothonotary

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.  
Rodney A. Smith  
Defendant(s)

NO. 01-1239-CD

ORDER

AND NOW, this 6<sup>th</sup> day of November, 2001, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith investigation attached hereto, it is hereby ORDERED that service of the Complaint in Mortgage Foreclosure and all subsequent pleadings on Defendant(s), Rodney A. Smith, shall be complete when Plaintiff or its counsel or agent has mailed true and correct copies of the Complaint in Mortgage Foreclosure and all subsequent pleadings by certified mail and regular mail to the last known address of Defendant(s), Rodney A. Smith at Rural Route 1, Box 687, Morrisdale, PA 16858 and by posting the mortgaged premises at Rural Route 1, Box 687, Morrisdale, PA 16858.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this cause.

NOV 06 2001

Attest: *William C. Prothonotary*  
# 0120

U.S. Postal Service		CERTIFIED MAIL RECEIPT															
(Domestic Mail Only; No Insurance Coverage Provided)																	
Postage		34	Postage														
Certified Fee		30	Retain Receipt Fee														
Postmark		10	Endorsement Fee Required														
Hers		50	Restriction Delivery Fee														
		94	Total Postage & Fees														
<table border="1"> <tr> <td colspan="2">Sent to <b>Rodney G. Smith</b></td> </tr> <tr> <td colspan="2">Street, Apt. No. <b>1000 Kountz</b></td> </tr> <tr> <td colspan="2">City, State, Zip <b>PA 16857</b></td> </tr> <tr> <td colspan="2">Street, Apt. No. <b>PA 16857</b></td> </tr> <tr> <td colspan="2">City, State, Zip <b>PA 16857</b></td> </tr> <tr> <td colspan="2">Street, Apt. No. <b>PA 16857</b></td> </tr> <tr> <td colspan="2">City, State, Zip <b>PA 16857</b></td> </tr> </table>				Sent to <b>Rodney G. Smith</b>		Street, Apt. No. <b>1000 Kountz</b>		City, State, Zip <b>PA 16857</b>		Street, Apt. No. <b>PA 16857</b>		City, State, Zip <b>PA 16857</b>		Street, Apt. No. <b>PA 16857</b>		City, State, Zip <b>PA 16857</b>	
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City, State, Zip <b>PA 16857</b>																	

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



NOTICE OF SHERIFF'S SALE OF K

TO: Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

**Certified Mail Provides:**

- A mailing receipt
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years
- Certified Mail is not available for any class of International mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail; For valuable items consider insured or Registered Mail.
- Delivery to obtain Return Receipt is requested to provide proof of delivery. To obtain Return Receipt, please complete and attach a Return Receipt (PS Form 3811) to the article and affix label with Postmark on the reverse. Endorsements on the article are not needed.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt, please complete and attach a Return Receipt (PS Form 3811) to the article and affix label with Postmark on the reverse. Endorsements on the article are not needed.
- Addressee's authorized agent may be restricted to the addressee or endorsee's "Restricted Delivery".
- If a Postmark on the Certified Mail recipient is desired, please present the article at the post office for postmarking. If a Postmark on the Certified Mail recipient is not needed, detach and affix label with Postage and mail.
- IMPRINT: Save this receipt and present it when making an inquiry.

PS Form 3800, January 2001 (Reverse)

102595-M-02-0451

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <b>X</b></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.  </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>1. Article Addressed to:</p> <p><i>Rodney A. Smith Rural Route 1 Box 687 Monisdale, PA 16858</i></p> <p>2. Article Number (Transfer from s) <i>7002 0460 0000 1884 4280</i></p> <p>PS Form 3811, August 2001 Domestic Return Receipt</p> <p>102595-01-M-2509</p>			

Name and  
Address  
Of Sender  
**JODIE**

**LAW OFFICES**  
**MARK J. UDREN & ASSOCIATES**  
**1040 N. KING'S HIGHWAY SUITE 500**  
**CHERRY HILL, NJ 08034**

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Postmark and Date of Receipt		Rst. Del. Fee	Remarks
								<input type="checkbox"/> Registered	<input type="checkbox"/> Insured		
1	0126787	RODNEY A. SMITH RURAL ROUTE 1 BOX 687, MORRISDALE, PA 16858									
2	SMITH										
3	CLEARFIELD COUNTY										
4											
5											
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) <i>JODIE</i>								

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

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

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 is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R300, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and forth class parcels.

FILED

NO  
cc

MAY 23 2002

William A. Shaw  
Prothonotary

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

VERIFICATION OF SERVICE BY CERTIFIED MAIL AND  
REGULAR MAIL PURSUANT TO COURT ORDER

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Rural Route 1, Box 687  
Morrisdale, PA 16858

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Dated: MAY 21, 2002

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, Esquire

**FILED**

MAY 23 2002

William A. Shaw  
Prothonotary

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Defendant(s)

NO. 01-1239-CD

O R D E R

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BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

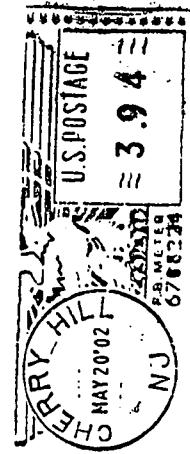
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

NOV 06 2001

Attest: *William E. Prothonotary*  
Prothonotary

# 0120

U.S. Postal Service		CERTIFIED MAIL RECEIPT	
(Domestic Mail Only): No Insurance Coverage Provided			
Postage		\$ 34	
Certified Fee		\$ 10	
Return Receipt Fee		\$ 150	
Endorsement Fee		\$ 150	
Postage & Delivery Fee		\$ 394	
Postmark Here 01207817C0WU26 E			
Total Postage & Fees Restricted Delivery Fee (Endorsement Required) Return Receipt Fee (Endorsement Required)			
Street, Apt No., City, State, Zip or P.O. Box No.			
1207817C0WU1 Rutherford, PA 16858 1207817C0WU1 Rutherford, PA 16858			
Sent to Rutherford, Smith			
PS Form 3800, January 2001 See reverse for instructions			



**LAW OFFICES  
MARK J. UDREN & ASSOCIATES  
1040 N. KING'S HIGHWAY  
SUITE 500  
CHERRY HILL, NJ 08034**

NOTICE OF SHERIFF'S SALE OF K

TO: Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

### **Certified Mail Provides:**

- Certified Mail<sup>TM</sup> provides:
  - A mailing receipt by the Postal Service for two years
  - A unique identifier for your mailing
  - A signature upon delivery
  - A record of delivery kept by the Postal Service for two years
  - Certified Mail may be combined with First-Class Mail or Priority Mail.
  - NO INSURANCE COVERAGE IS PROVIDED WITH CERTIFIED MAIL.
  - Valuables, please consider insured or Registered Mail.
  - For an additional fee, a Return Receipt may be requested to provide proof of delivery.
  - Delivery to obtain Return Receipt service, please complete Postage to attach a Return Receipt PS Form 3811 to the article and add applicable postage to cover the fee.
  - Receipts PS Form 3811 are multipurpose "Return Receipt Requests". To receive a Return Receipt, mail the multipurpose "Return Receipt Requests" to the addressee.
  - Addressee's authorized agent, delivery may be restricted to the addressee or end recipient "Restricted Delivery".
  - If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark is present on the Certified Mail receipt is not needed, detach and affix label with postage and mail.
  - IMPORTANT: Save this receipt and present it when making an inquiry.

102595-M-02-0451

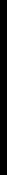
1800, January 2001 (Revers)

SENDER: COMBI ETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:  
Rodney A. Smith  
Rural Route 1 Box  
687  
Menisdale, PA  
11835

COMPLETE THIS SECTION ON SEPARATE SHEET

A. Signature  	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	C. Date of Delivery
B. Received by (Printed Name)		

Is delivery address different from item 1?  
If YES, enter delivery address below:

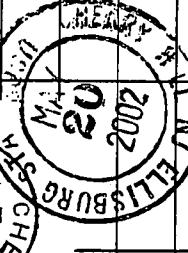
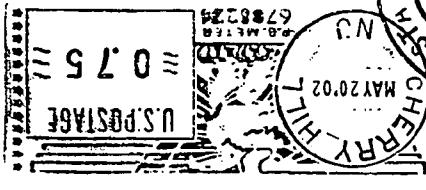
3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery/ <i>Extra Fee</i>	

2. Article Number  res

Name and  
Address  
Of Sender  
**JODIE**

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Check appropriate block for Registered Mail:			Postmark and Date of Receipt					
			<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Int'l Recorded Del.	<input type="checkbox"/> Express Mail		<input type="checkbox"/> With Postal Insurance	<input type="checkbox"/> Without postal Insurance			
Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R.R. Fee	S.D. Fee	S.H. Fee	Rst. Del. Fee	Remarks	
1	0126787	RODNEY A. SMITH RURAL ROUTE 1 BOX 687, MORRISDALE, PA 16858									
2	SMITH										
3	CLEARFIELD COUNTY										
4											
5											
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)	Affix stamp here if issued as certifiable or mailing or for additional copies of this bill.				



The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on International mail. Special handling charges apply only to third and forth class parcels.

Postmaster, Per (Name of Receiving Employee)

*J. D. J.*

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

ATTORNEY FOR PLAINTIFF

**FILED**

JUL 01 2002

William A. Shaw  
Prothonotary

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.  
Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858  
Defendant(s)

NO. 01-1239-CD

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

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

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

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

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

Dated: June 25, 2002

MARK J. UDREN & ASSOCIATES

BY:

Mark J. Udren, Esquire  
Attorney for Plaintiff

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

**ATTORNEY FOR PLAINTIFF**

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514

Plaintiff

v.

Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

NO. 01-1239-CD

**AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1**

First Union National Bank, Plaintiff in the above action, by its attorney, Mark J. Udren, ESQ., sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: Rural Route 1, Box 687, Morrisdale, PA 16858

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

Same as No. 1 above

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

Name \_\_\_\_\_ Address \_\_\_\_\_

None

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

Name \_\_\_\_\_ Address \_\_\_\_\_

Plaintiff herein. See Caption above.

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

Name \_\_\_\_\_ Address \_\_\_\_\_

None

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

Name \_\_\_\_\_ Address \_\_\_\_\_

Real Estate Tax Department 1 North Second Street, Suite 116,  
Clearfield, PA 16830

Domestic Relations Section 1 North Second Street, Suite 116,  
Clearfield, PA 16830

Commonwealth of PA, Bureau of Compliance, Dept. 280946  
Department of Revenue Harrisburg, PA 17128-0946

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

Name \_\_\_\_\_ Address \_\_\_\_\_

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.

MARK J. UDREN & ASSOCIATES

Mark J. Udren, ESQ.  
Attorney for Plaintiff

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 01-1239-CD

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858  
Defendant(s)

DATE: May 20, 2002

TO: ALL PARTIES IN INTEREST AND CLAIMANTS

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

OWNER(S): RODNEY A. SMITH

PROPERTY: Rural Route 1, Box 687, Morrisdale, PA 16858

Improvements: RESIDENTIAL DWELLING

The above captioned property is scheduled to be sold at the Clearfield County Sheriff's Sale on JULY 12, 2002, at 10:00 A.M., IN THE CLEARFIELD COUNTY COUSTHOUSE, 1 NORTH SECOND STREET, SUITE 116, CLEARFIELD, PA. Our records indicate that you may hold a mortgage or judgment on the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

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

**EXHIBIT A**

Name and  
Address  
Of Sender  
**JODIE**

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

Registered  
 Insured  
 COD  
 Certified

Return Receipt for  
 Merchandise  
 Int'l Recorded Del.  
 Express Mail

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

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

Postmark and Date of Receipt

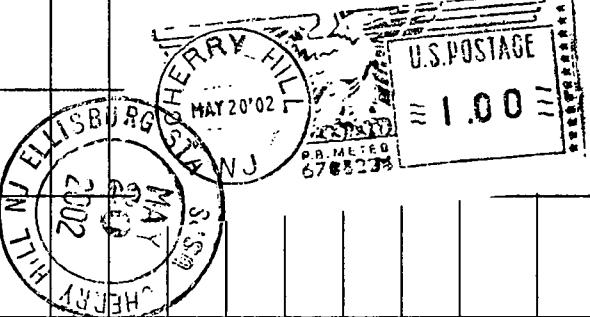
R.R.  
Fee

S.D.  
Fee

S.H.  
Fee

Rst. Del. Fee

Remarks

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender if COD	R.R. Fee	S.D. Fee	S.H. Fee	Rst. Del. Fee	Remarks
1	SMITH	CLEARFIELD COUNTY TAX CLAIM BUREAU 1 NORTH SECOND STREET, SUITE 116, CLEARFIELD, PA 16830											
2	0126787	DOMESTIC RELATIONS SECTION 1 NORTH SECOND STREET, SUITE 116, CLEARFIELD, PA 16830											
3		COMMONWEALTH OF PA, DEPT. OF REVENUE, BUREAU OF COMPLIANCE, DEPT. 280946, HARRISBURG, PA 17128-0946											
4		TENANTS/OCCUPANTS RURAL ROUTE 1 BOX 687, MORRISDALE, PA 16858											
5	CLEARFIELD COUNTY												
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)	 <b>EXHIBIT</b>									

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of non-negotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on International mail. Special handling charges apply only to third and forth class parcels.

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

VERIFICATION OF SERVICE BY CERTIFIED MAIL AND  
REGULAR MAIL PURSUANT TO COURT ORDER

The undersigned hereby verifies that he is counsel for Plaintiff in the above case and that pursuant to the Court order issued in this matter he mailed a true and correct copy of the NOTICE OF SALE to Defendant(s), by certified mail and regular first class mail, to the last known address of Defendant(s) as follows:

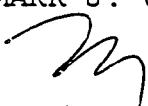
DATE MAILED: MAY 20, 2002

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

I verify that the statements made herein are true and correct and I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: MAY 21, 2002

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, Esquire

**EXHIBIT**

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Defendant(s)

NO. 01-1239-CD

ORDER

AND NOW, this 6<sup>th</sup> day of November, 2001, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith investigation attached hereto, it is hereby ORDERED that service of the Complaint in Mortgage Foreclosure and all subsequent pleadings on Defendant(s), Rodney A. Smith, shall be complete when Plaintiff or its counsel or agent has mailed true and correct copies of the Complaint in Mortgage Foreclosure and all subsequent pleadings by certified mail and regular mail to the last known address of Defendant(s), Rodney A. Smith at Rural Route 1, Box 687, Morrisdale, PA 16858 and by posting the mortgaged premises at Rural Route 1, Box 687, Morrisdale, PA 16858.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

NOV 06 2001

**EXHIBIT** *u*  
Prothonotary



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

NOTICE OF SHERIFF'S SALE OF A

TO: Rodney A. Smith  
Rural Route 1, Box 687  
Morrisdale, PA 16858

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p><b>A. Signature</b></p> <p><b>X</b></p> <p><b>B. Received by (Printed Name)</b></p> <p><b>Rodney A. Smith</b></p> <p><b>Box 687</b></p> <p><b>Rural Route 1</b></p> <p><b>Monksdale, PA 16858</b></p> <p><b>C. Date of Delivery</b></p> <p><b>10/02/01</b></p> <p><b>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</b></p> <p><b>E. Service Type</b></p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p><b>F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</b></p> <p><b>2. Article Number Transfer from \$ 7002 0460 0000 1068 4280</b></p> <p><b>3. Article Addressed to:</b></p> <p><b>4. Article Addressed to:</b></p> <p><b>PS Form 3811, August 2001</b></p> <p><b>Domestic Return Receipt</b></p> <p><b>102595-01-M-2595</b></p>	

## **EXHIBIT E**

Name and Address Of Sender		LAW OFFICES MARK J. UDREN & ASSOCIATES 1040 N. KINGS HIGHWAY SUITE 500 CHERRY HILL, NJ 08034		<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> COD <input type="checkbox"/> Certified		<input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Int'l Recorded Del. <input type="checkbox"/> Express Mail		<input type="checkbox"/> Postmark and Date of Receipt/ <input type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance		<input type="checkbox"/> Check appropriate block for Registered Mail: <input type="checkbox"/>		
Line	Article Number	Name of Addressee, Street, and Post Office Address		Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R.R. Fee	S.H. Fee	Rst. Del. Fee Remarks
1	0126787	RODNEY A. SMITH RURAL ROUTE 1 BOX 687, MORRISDALE, PA 16858										
2	SMITH											
3	CLEARFIELD COUNTY											
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
Total Number of Pieces Presented by <b>JODIE</b>		Total Number of Pieces Received at Post Office <b>1</b>		Postmaster, Per (Name of Receiving Employee) <b>L.D.J.</b>		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R300, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on International mail. Special handling charges apply only to third and forth class parcels.						

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 01-1239-CD

123  
FILED

MAY 23 2002

W.A. Shaw  
Prothonotary

VERIFICATION OF SERVICE BY CERTIFIED MAIL AND  
REGULAR MAIL PURSUANT TO COURT ORDER

The undersigned hereby verifies that he is counsel for Plaintiff in the above case and that pursuant to the Court order issued in this matter he mailed a true and correct copy of the NOTICE OF SALE to Defendant(s), by certified mail and regular first class mail, to the last known address of Defendant(s) as follows:

DATE MAILED: MAY 20, 2002

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

I verify that the statements made herein are true and correct and I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: MAY 21, 2002

MARK J. UDREN & ASSOCIATES

Mark J. Udren, Esquire

EXHIBIT

FILED  
MAY 13 2002  
JUL 01 2002  
EKB

William A. Shaw  
Prothonotary

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

**Sheriff Docket # 12474**

**FIRST UNION NATIONAL BANK**

**01-1239-CD**

**VS.**

**SMITH, RODNEY A.**

**WRIT OF EXECUTION REAL ESTATE**

**SHERIFF RETURNS**

---

**NOW, MAY 16, 2002 @ 11:00 A.M. A LEVY WAS TAKEN AT THE PROPERTY OF RODNEY A. SMITH DEFENDANT. PROPERTY WAS POSTED THIS DATE.**

**A SALE IS SET FOR FRIDAY, JULY 12, 2002 AT 10:00 A.M. O' CLOCK.**

**NOW, MAY 16, 2002 DEPUTY INFORMED DEFENDANT MOVED TO 3304 ROSE AVE, APT 24 ERIE, PA 16510-1963**

**NOW, MAY 17, 2002 SERVED DEFENDANT RODNEY A. SMITH BY CERTIFIED AND REGULAR MAIL AS PER COURT ORDER.**

**NOW, JULY 12, 2002 @ 10:00 A.M. O'CLOCK A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANT. PROPERTY WAS PURCHASED BY THE PLAINTIFF FIRST UNION NATIONAL BANK FOR \$1.00 + COSTS.**

**NOW, JULY 22, 2002 BILLED ATTORNEY FOR COSTS INCURRED FOR SALE.**

**NOW, AUGUST 2, 2002 RECEIVED CHECK FROM ATTORNEY FOR COSTS.**

**NOW, AUGUST 15, PAID COSTS FROM ADVANCE AND ATTORNEY CHECK.**

**NOW, AUGUST 15, 2002 BILLED ATTORNEY FOR EXTRA DEED COSTS.**

**NOW, AUGUST 22, 2002 RECEIVED CHECK FOR DEED COSTS.**

**NOW, AUGUST 29, 2002 RETURNED WRIT AS SALE BEING HELD. PROPERTY PURCHASED BY PLAINTIFF FOR \$1.00 + COSTS.**

**NOW, AUGUST 29, 2002 DEED FILED**

**SHERIFF HAWKINS \$212.58  
SURCHARGE \$20.00  
PAID BY ATTORNEY**

**FILED**

**AUG 29 2002**

**William A. Shaw  
Prothonotary**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12474

FIRST UNION NATIONAL BANK

01-1239-CD

VS.  
SMITH, RODNEY A.

WRIT OF EXECUTION REAL ESTATE

**SHERIFF RETURNS**

---

---

Sworn to Before Me This

PA 29<sup>th</sup> Day Of August 2002

Willie L. Thompson

So Answers,

Chester A. Hawkins  
by Cynthia Butler - Aughbaugh  
Chester A. Hawkins  
Sheriff

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

ATTORNEY FOR PLAINTIFF

First Union National Bank : COURT OF COMMON PLEAS  
One Old Country Road : CIVIL DIVISION  
Suite 429 : Clearfield County  
Carle Place, NY 11514 : MORTGAGE FORECLOSURE  
Plaintiff :  
v. :  
Rodney A. Smith : NO. 01-1239-CD  
Rural Route 1, Box 687 :  
Morrisdale, PA 16858 :  
Defendant(s) :  
:

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

Rural Route 1, Box 687, Morrisdale, PA 16858  
SEE LEGAL DESCRIPTION ATTACHED

Amount due	\$78,090.59
Interest From April 26, 2002 to Date of Sale	_____
Per diem @ \$17.32	_____
(Costs to be added)	\$ 317.93

RECEIVED APR 30 2002  
① 1:30 PM  
By \_\_\_\_\_ Prothonotary  
Clerk \_\_\_\_\_  
*Wester A. Warkins*

*by Margaret N. Pmt* Date 4/30/02

COURT OF COMMON PLEAS  
NO. 01-1239-CD

=====  
First Union National Bank  
vs.  
Rodney A. Smith

=====  
WRIT OF EXECUTION  
=====

REAL DEBT \$ 78,090.59

INTEREST \$  
from April 26, 2002 to  
Date of Sale \_\_\_\_\_  
Per diem @\$17.32

COSTS PAID:  
PROTHY \$ 317.93

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

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

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

PREMISES TO BE SOLD:

Rural Route 1, Box 687, Morrisdale, PA 16858

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

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY LEGISLATIVE ROUTE 17060, LEADING FROM MORRISDALE TO WALLACETON, SAID RIGHT-OF-WAY LINE BEING (16.5) FEET FROM THE CENTERLINE THEREOF, SAID IRON PIN BEING A COMMON CORNER OF THE LANDS OF JAMES MERRITT AND THESE LANDS BEING DESCRIBED; THENCE BY THE LINE OF LANDS OF SAID JAMES MERRITT, SOUTH SEVEN DEGREES THIRTY MINUTES WEST (S 7 DEGREES 30' W) ONE HUNDRED SEVENTY-FIVE (175.0) FEET TO AN IRON PIN CORNER; THENCE BY THE LANDS OF THE NORMAN SHIMMEL ESTATE, NORTH EIGHTY TWO DEGREES THIRTY MINUTES WEST (N 82 DEGREES 30' W) ONE HUNDRED NINETY-ONE AND TWO-TENTHS (191.2) FEET TO AN IRON PIN CORNER; THENCE BY THE RESIDUE OF A PARCEL OF WHICH THIS BEING A PART OF, OR THE LANDS OF FORMER GRANTOR, MARCELLA M. COUDRIET, NORTH SEVEN DEGREES THIRTY MINUTES EAST (N 7 DEGREES 30' E) TWO HUNDRED THIRTY-ONE AND FIVE-TENTHS (231.5) FEET TO AN IRON PIN CORNER ON THE RIGHT-OF-WAY LINE OF SAID LEGISLATIVE ROUTE 17060; THENCE BY SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH SIXTY-ONE DEGREES ONE MINUTE EAST (S 61 DEGREES 01' E) ONE HUNDRED (100.0) FEET TO A STAKE CORNER; THENCE SOUTH SEVENTY-ONE DEGREES ONE MINUTE EAST (S 71 DEGREES 01' E) ONE HUNDRED FEET TO AN IRON PIN CORNER AND THE PLACE OF BEGINNING. CONTAINING 0.89 ACRES.

BEING KNOWN AS: RR 1, BOX 687, MORRISDALE, PA 16858

TAX ID NO.: 124-P10-000-00065

TITLE TO SAID PREMISES IS VESTED IN RODNEY A. SMITH, AN INDIVIDUAL, BY DEED FROM GILBERT M. DAUBS, A WIDOWER, DATED 4/15/96 AND RECORDED 4/18/96 IN DEED BOOK 1751, PAGE 47.

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME      SMITH      NO.      01-1239-CD

NOW,      JUY 12, 2002      , by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the court House in Clearfield on the      12TH      day of      JULY      2002, I exposed the within described real estate of      RODNEY A. SMITH      to public venue or outcry at which time and place I sold the same to      FIRST UNION NATIONAL BANK      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	8.45
LEVY	15.00
MIELAGE	8.45
POSTING	15.00
CSDS	10.00
COMMISSION 2%	
POSTAGE	9.18
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	10.50
<b>TOTAL SHERIFF COSTS</b>	<b>212.58</b>

**DEBIT & INTEREST:**

DEBT-AMOUNT DUE	78,090.59
INTEREST FROM 4/26/02 TO DATE OF SALE	
TO BE ADDED      PER DIEM @ \$17.32	
<b>TOTAL DEBT &amp; INTEREST</b>	<b>78,090.59</b>
<b>COSTS:</b>	
ATTORNEY FEES	
PROTH. SATISFACTION	
ADVERTISING	295.29
LATE CHARGES & FEES	
TAXES - collector	169.54
TAXES - tax claim	873.78
DUE	
COST OF SUIT -TO BE ADDED	
LIST OF LIENS & MORTGAGE SEARCH	140.00
FORCLOSURE FEES/ESCROW DEFICIT	
ACKNOWLEDGEMENT	5.00
DEED COSTS	19.00
ATTORNEY COMMISSION	
SHERIFF COSTS	212.58
LEGAL JOURNAL AD	90.00
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
PROTHONOTARY	317.93

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	18.50
TRANSFER TAX 2%	
<b>TOTAL DEED COSTS</b>	<b>18.50</b>

**SATISFACTION FEE**

ESCROW DEFICIENCY	
MUNICIPAL LIEN	

<b>TOTAL COSTS</b>	<b>2,123.12</b>
--------------------	-----------------

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

20/2

RODNEY A. SMITH  
P.M. 1000  
SUFFICIENT ADDRESS  
ATTEMPTED NOT KNOWN  
SUCH NUMBER/STREET  
T DELIVERABLE AS ADDRESSED  
T FORWARD

**CHESTER A. HAWKINS**  
**SHERIFF**  
COURTHOUSE  
NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

<b>A. Received by (Please Print Clearly)</b>		<b>B. Date of Delivery</b>
<b>C. Signature</b>		
<b>X</b>	<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee
<b>D. Is delivery address different from item 17?</b>	<input type="checkbox"/> Yes	
<b>If YES, enter delivery address below:</b>	<input type="checkbox"/> No	

RODNEY A. SMITH  
RURAL ROUTE 1 BOX 687  
MORRISDALE, PA 16858

<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
<b>4. Restricted Delivery? (Extra Fee)</b>	
<input type="checkbox"/> Yes	

PS Form 3811, July 1999

## Domestic Return Receipt

102595-99-M-1789

RODNEY A. SMITH  
MURRISDALE, PA 16858  
RURAL ROUTE 1 BOX 687  
3304 RODNEY APT 24  
MURRISDALE, PA 16858  
05/20/02  
NOTIFICATION  
MAILER  
1995-2001  
05/20/02

RODNEY A. SMITH

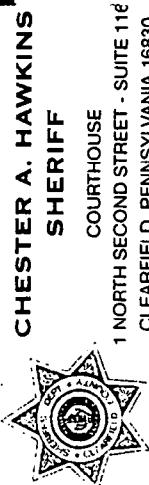
1317 1940 1000 1940 1317



**CERTIFIED MAIL**

PLACE STICKER AT TOP OF ENVELOPE AND SEALS BOTH SIDES  
OF THE ENVELOPE TO THE LINE

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only: No Insurance Coverage Provided)



CHESTER A. HAWKINS  
SHERIFF  
COURTHOUSE  
1 NORTH SECOND STREET - SUITE 118  
CLEARFIELD, PENNSYLVANIA 16830



**OFFICIAL USE**

Postage	\$ 57
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 147</b>

**Sent To**  
RODNEY A. SMITH  
Street, Apt. No.:  
or PO Box No.: RURAL ROUTE 1 BOX 687  
City, State, ZIP: MURRISDALE, PA 16858  
PS Form 3800, January 2001  
See Reverse for Instructions

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

ATTORNEY FOR PLAINTIFF

First Union National Bank  
One Old Country Road  
Suite 429  
Carle Place, NY 11514  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

NO. 01-1239-CD

Defendant(s)

VERIFICATION OF SERVICE BY CERTIFIED MAIL AND  
REGULAR MAIL PURSUANT TO COURT ORDER

The undersigned hereby verifies that he is counsel for Plaintiff in the above case and that pursuant to the Court order issued in this matter he mailed a true and correct copy of the NOTICE OF SALE to Defendant(s), by certified mail and regular first class mail, to the last known address of Defendant(s) as follows:

DATE MAILED: MAY 20, 2002

Rodney A. Smith  
Rural Routel, Box 687  
Morrisdale, PA 16858

I verify that the statements made herein are true and correct and I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

MARK J. UDREN & ASSOCIATES

Dated: MAY 21, 2002

  
Mark J. Udren, Esquire

EXHIBIT E

ATTORNEY FOR PLAINTIFF

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

First Union National Bank  
Plaintiff

v.

Rodney A. Smith  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 01-1239-CD

ORDER

AND NOW, this 6<sup>th</sup> day of November, 2001, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith investigation attached hereto, it is hereby ORDERED that service of the Complaint in Mortgage Foreclosure and all subsequent pleadings on Defendant(s), Rodney A. Smith, shall be complete when Plaintiff or its counsel or agent has mailed true and correct copies of the Complaint in Mortgage Foreclosure and all subsequent pleadings by certified mail and regular mail to the last known address of Defendant(s), Rodney A. Smith at Rural Route 1, Box 687, Morrisdale, PA 16858 and by posting the mortgaged premises at Rural Route 1, Box 687, Morrisdale, PA 16858.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

NOV 6 2001

EXHIBIT E  
Attest  
Prothonotary