

02-1078-CD
Conseco Fin. Vs John M. Flanagan

02

02-10 8-CD
CONSECO FINANCE CONSUMER -vs- JOHN M. FLANAGAN
DISCOUNT COMPANY

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green Tree
Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CO

Defendant

CIVIL ACTION: FORECLOSURE - COMPLAINT

N O T I C E

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 the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Pennsylvania Bar Association
100 South St., P.O. Box 186, Harrisburg, PA 17108-0186

132-0511
FILED

JUL 11 2002

MB/11/Att/Comroe
William A. Shaw Dd \$0.00
Prothonotary acc Sherry
DR

THIS IS A PROCESS THE PURPOSE OF
WHICH IS TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED FROM YOU OR
ANYONE ELSE WILL BE USED TO THAT END

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 not 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.

COMROE HING LLP
1608 WALNUT STREET, SUITE 300
PHILADELPHIA, PA 19103-5446

(215) 568-0400
(215) 568-5560 FAX
WWW.COMROEHING.COM

A V I S O

LE HAN DEMANDADO A USTED EN LA CORTE. SI DESEA DEFENDERSE CONTRA LAS QUEJAS PERESENTADAS, ES ABSOLUTAMENTE NECESSARIO QUE USTED RESPONDA DENTRO DE 20 DIAS DESPUES DE SER SERVIDO CON ESTA DEMANDA Y AVISO. PARA DEFENDERSE ES NECESSARIO QUE USTED, O SU ABOGADO, REGISTRE CON LA CORTE EN FORMA ESCRITA, EL PUNTO DE VISTA DE USTED Y CUALQUIER OBJECCION CONTRA LAS QUEJAS EN ESTA DEMANDA.

RECUERDE: SI USTED NO REPONDE A ESTA DEMANDA, SE PUEDE PROSEGUIR CON EL PROCESO SIN SU PARTICIPACION. ENTONCES, LA COUTE PUEDE, SIN NOTIFICARIO, DECIDIR A FAVOR DEL DEMANDANTE Y REQUERIRA QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. POR RAZON DE ESA DECISION, ES POSSIBLE QUE USTED PUEDA PERDER DINERO, PROPIEDAD U OTROS DERECHOS IMPORTANTES.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE.

SI NO CONOCE A UN ABOGADO, LLAME AL "LAWYER REFERENCE SERVICE" (SERVICIO DE REFERENCIA DE ABOGADOS), 215-238-6300.

Pennsylvania Bar Association
100 South St., P.O. Box 186, Harrisburg, PA 17108-0186
800-932-0311

1. Plaintiff is Conseco Finance Consumer Discount Company, fka Green Tree Consumer Discount Company, with its principal offices at 7360 S. Kyrene Road, MSD Foreclosure Unit, Tempe, AZ 85282.

2. Defendant is John M. Flanagan, with an address as set forth above.

3. On June 11, 1998 John M. Flanagan executed and delivered a Mortgage upon premises hereinafter described to Green Tree Consumer Discount Company, nka Conseco Finance Consumer Discount Company, which mortgage was recorded in the Department of Record at CLEARFIELD County, Pennsylvania in Mortgage Book 1941, at page 558 on June 15, 1998.

4. This mortgage has not been assigned.

5. The premises subject to said Mortgage are known as 9 Tozier Ave., DuBois, PA 15801 and are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

6. The Defendant is the record and real owner of the said real estate subject to the Mortgage.

7. The said Mortgage is in default by reason of the fact that the monthly installments of principal and interest as due on February 16, 2002, and as due on the sixteenth day of each month thereafter are still due and owing and have not been paid; and by the terms of the said Mortgage, upon failure to make such payments when due, the whole of the principal balance and all interest due thereon, together with late charges and other recoverable sums and attorney's fee are now due and payable forthwith.

8. The monthly installment payment composed of principal and interest due under the terms of said Mortgage and Mortgage Note for each such month was THREE HUNDRED SIXTY EIGHT DOLLARS AND 24 CENTS (\$368.24). The monthly payment changed on March 15, 2002 to THREE HUNDRED NINETY THREE DOLLARS AND 22 CENTS (\$393.22).

9. The following amounts are therefore due and owing on said Mortgage:

(a) Principal Debt	\$37,247.09
(b) Late Charges at \$39.33 per month from 02/16/2002 to 03/15/2002.	\$39.33
Late Charges at \$39.33 per month from 03/16/2002 to 07/07/2002.	\$157.32
(c) Interest from 01/16/2002 through 07/07/2002 at \$12.16 per diem.	\$2,103.17
(d) Total Escrow Deficit to date.	\$789.93
(e) Reasonable Attorney's fees as in the above stated amount reflect third party sale only. If the Mortgagor reinstates the account, attorney's fees will be reasonable based upon work performed.	\$1,862.35
(f) Title Report	\$335.00
(g) Court Filing Charges	\$115.50
(h) Uncollected Late Charge(s)	\$1,157.23
(i) Escrow Credit	\$0.00
TOTAL AMOUNT DUE	\$43,806.92

In addition, interest at the rate of \$12.16 per day on the unpaid principal balance will continue to accrue until the default is resolved. Any payments which are allowable under the mortgage document and are necessary to protect Plaintiff, relating to real estate taxes owed or which become due on the mortgaged property

together with fire or homeowners insurance premiums necessary to protect the Plaintiff, or any reasonable costs necessary to protect the property from waste or vandalism shall also become due and owing by Defendant to Plaintiff when expended by Plaintiff.

10. Pursuant to the provisions of Act 91 of the Pennsylvania General Assembly the Combined Act 6/91 Notice was sent to the Defendant by Certified Mail, Return Receipt Requested and by regular First Class Mail. Attached hereto and made a part hereof as Exhibit "B" is a true and correct copy of said Notices and same are incorporated by reference herein as though fully set forth at length.

WHEREFORE, Plaintiff prays judgment against Defendant in the sum of \$43,806.92 plus interest and late charges at the contract rate to date of Judgment as set forth above and costs, both of suit and as set forth above, and for foreclosure and sale of the mortgaged premises.

DATED: July 7, 2002

Respectfully submitted,

Comroe Hing LLP

By: _____

David B. Comroe, Esquire
SupremeCourtI.D. 25694
Attorneys for Plaintiff

VERIFICATION

for Plaintiff, having express authorization to enter into this verification verifies the foregoing Complaint in Mortgage Foreclosure and avers that the statements of fact therein contained are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, and that same are true upon the signer's personal knowledge or information and belief.

A handwritten signature is written over a horizontal line. The signature is cursive and appears to begin with a capital letter 'P' or 'M'.

DESCRIPTION

ALL THAT CERTAIN parcel or piece of land situate in Sandy Township, Clearfield County, PA, bounded and described as follows:

BEGINNING at a post at the corner of Tozier Avenue and a 16 foot alley; thence along the said Tozier Avenue in a Westerly direction 40 feet to a post; thence North 11 degrees 57' East, 134 feet to a post at a 12 foot alley; thence along the said 12 foot alley, South 70 degrees 15' East 40 feet to a post at a 16 foot alley, South 18 degrees 45' West 79.1 feet to a post; thence along the said 16 foot alley 53.58 feet to a post at Tozier Avenue, the place of beginning. Containing 6,201 square feet, more or less.

BEING Parcel #128-B04-429-110 and Control #1280-74937.



CONSECO

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

JOHN FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

ACT 91 NOTICE TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

April 22, 2002

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

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

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

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

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

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



CONSECO

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

April 22, 2002

TO: JOHN FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

Loan No.: 5901038585
SSN: 172527615
Mortgaged Premises:
9 TOZIER AVE
DU BOIS, PA 15801

FROM: Conseco Finance Consumer Discount Company

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

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

- IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL,
- IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR MORTGAGE PAYMENTS, AND
- IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY.

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

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



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

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

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

NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT. (If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)

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

NATURE OF THE DEFAULT ---- The MORTGAGE debt held by the above lender on your property located at: 9 TOZIER AVE, DU BOIS, PA 15801 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: 02/16/02 \$368.24, 03/16/02 \$393.22, 04/16/02 \$393.22. Other charges (explain/itemize): Late Charges \$1314.55, NSF Fee: \$0000. TOTAL AMOUNTS PAST DUE: \$2469.33.
- B. YOU HAVE FAILED TO TAKE THE FOLLOWING ACTION (Do not use if not applicable):

HOW TO CURE THE DEFAULT ---- You may cure the default within THIRTY (30) DAYS of the date of this notice BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$2469.33, PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to: Conseco Finance, 7360 So Kyrene Rd, Tempe, AZ 85253 (do not send cash). 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 the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.



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

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

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

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

HOW TO CONTACT THE LENDER:

Name of Lender: Conseco Finance Consumer Discount Company

Address: 7360 So Kyrene Rd, Tempe AZ 85253

Phone Number: 1-800-603-1109

Fax Number: 480/333-6460

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

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

YOU MAY ALSO HAVE THE RIGHT:

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

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

---- TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT

HAD OCCURRED, IF YOU CURE THE DEFAULT, (HOWEVER, YOU DO NOT HAVE THIS
RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR CONSECO.
YEAR)

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road

- 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 PROTECTON UNDER THE FEDERAL BANKRUPTCY LAW.

Enclosures: Pennsylvania Consumer Credit Counseling Agency List

Cc: Customer File



CONSECOSM

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

LAURA FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

ACT 91 NOTICE TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

April 22, 2002

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

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

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CONSECO

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7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

April 22, 2002

TO: LAURA FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

Loan No.: 6901038585
SSN: 161587426
Mortgaged Premises:
9 TOZIER AVE
DU BOIS, PA 15801

FROM: Conseco Finance Consumer Discount Company

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

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

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

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

HOW TO CONTACT THE LENDER:

Name of Lender: Conseco Finance Consumer Discount Company

Address: 7360 So Kyrene Rd, Tempe AZ 85253

Phone Number: 1-800-603-1109

Fax Number: 480/333-6460

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

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

YOU MAY ALSO HAVE THE RIGHT:

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

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

---- TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT



HAD OCCURRED, IF YOU CURE THE DEFAULT, (HOWEVER, YOU DO NOT HAVE THIS
RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR CONSECO
YEAR).

CONSECO FINANCE SERVICING CORP.

7360 S Kyrene Road

---- 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 PROTECTON UNDER THE FEDERAL BANKRUPTCY LAW.

Enclosures: Pennsylvania Consumer Credit Counseling Agency List

Cc: Customer File

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12786

CONSECO FINANCE CONSUMER DISCOUNT COMPANY

02-1078-CD

VS.

FLANAGAN, JOHN M.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW JULY 17, 2002 AT 10:55 AM DST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN M. FLANAGAN, DEFENDANT AT RESIDENCE, 9 TOZIER AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOHN M. FLANAGAN A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: COUDRIET/RYEN

Return Costs

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

Sworn to Before Me This

29 Day Of August 2002
William A. Shaw

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

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED

AS
AUG 29 2002
09-02-00
William A. Shaw
Prothonotary

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

COPY
COPY

Conseco Finance Consumer
Discount Company, fka Green Tree
Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

ACTION OF MORTGAGE FORECLOSURE

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-CO

Defendant

CIVIL ACTION: FORECLOSURE - COMPLAINT

N O T I C E

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 the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Pennsylvania Bar Association
100 South St., P.O. Box 186, Harrisburg, PA 17108-0186
800-932-0311

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

JUL 11 2002

Attest.

William B. Comroe
Prothonotary/
Clerk of Courts

THIS IS A PROCESS THE PURPOSE OF
WHICH IS TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED FROM YOU OR
ANYONE ELSE WILL BE USED TO THAT END.

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 not 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.

COMROE HING LLP
1608 WALNUT STREET, SUITE 300
PHILADELPHIA, PA 19103-5446

(215) 568-0400
(215) 568-5560 FAX
WWW.COMROEHING.COM

A V I S O

LE HAN DEMANDADO A USTED EN LA CORTE. SI DESEA DEFENDERSE CONTRA LAS QUEJAS PERESENTADAS, ES ABSOLUTAMENTE NECESSARIO QUE USTED RESPONDA DENTRO DE 20 DIAS DESPUES DE SER SERVIDO CON ESTA DEMANDA Y AVISO. PARA DEFENDERSE ES NECESSARIO QUE USTED, O SU ABOGADO, REGISTRE CON LA CORTE EN FORMA ESCRITA, EL PUNTO DE VISTA DE USTED Y CUALQUIER OBJECCION CONTRA LAS QUEJAS EN ESTA DEMANDA.

RECUERDE: SI USTED NO REPONDE A ESTA DEMANDA, SE PUEDE PROSEGUIR CON EL PROCESO SIN SU PARTICIPACION. ENTONCES, LA COUTE PUEDE, SIN NOTIFICARIO, DECIDIR A FAVOR DEL DEMANDANTE Y REQUERIRA QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. POR RAZON DE ESA DECISION, ES POSSIBLE QUE USTED PUEDA PERDER DINERO, PROPIEDAD U OTROS DERECHOS IMPORTANTES.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE.

SI NO CONOCE A UN ABOGADO, LLAME AL "LAWYER REFERENCE SERVICE" (SERVICIO DE REFERENCIA DE ABOGADOS), 215-238-6300.

Pennsylvania Bar Association
100 South St., P.O. Box 186, Harrisburg, PA 17108-0186
800-932-0311

1. Plaintiff is Conseco Finance Consumer Discount Company, fka Green Tree Consumer Discount Company, with its principal offices at 7360 S. Kyrene Road, MSD Foreclosure Unit, Tempe, AZ 85282.

2. Defendant is John M. Flanagan, with an address as set forth above.

3. On June 11, 1998 John M. Flanagan executed and delivered a Mortgage upon premises hereinafter described to Green Tree Consumer Discount Company, nka Conseco Finance Consumer Discount Company, which mortgage was recorded in the Department of Record at CLEARFIELD County, Pennsylvania in Mortgage Book 1941, at page 558 on June 15, 1998.

4. This mortgage has not been assigned.

5. The premises subject to said Mortgage are known as 9 Tozier Ave., DuBois, PA 15801 and are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

6. The Defendant is the record and real owner of the said real estate subject to the Mortgage.

7. The said Mortgage is in default by reason of the fact that the monthly installments of principal and interest as due on February 16, 2002, and as due on the sixteenth day of each month thereafter are still due and owing and have not been paid; and by the terms of the said Mortgage, upon failure to make such payments when due, the whole of the principal balance and all interest due thereon, together with late charges and other recoverable sums and attorney's fee are now due and payable forthwith.

8. The monthly installment payment composed of principal and interest due under the terms of said Mortgage and Mortgage Note for each such month was THREE HUNDRED SIXTY EIGHT DOLLARS AND 24 CENTS (\$368.24). The monthly payment changed on March 15, 2002 to THREE HUNDRED NINETY THREE DOLLARS AND 22 CENTS (\$393.22).

9. The following amounts are therefore due and owing on said Mortgage:

(a) Principal Debt	\$37,247.09
(b) Late Charges at \$39.33 per month from 02/16/2002 to 03/15/2002.	\$39.33
Late Charges at \$39.33 per month from 03/16/2002 to 07/07/2002.	\$157.32
(c) Interest from 01/16/2002 through 07/07/2002 at \$12.16 per diem.	\$2,103.17
(d) Total Escrow Deficit to date.	\$789.93
(e) Reasonable Attorney's fees as in the above stated amount reflect third party sale only. If the Mortgagor reinstates the account, attorney's fees will be reasonable based upon work performed.	\$1,862.35
(f) Title Report	\$335.00
(g) Court Filing Charges	\$115.50
(h) Uncollected Late Charge(s)	\$1,157.23
(i) Escrow Credit	\$0.00
TOTAL AMOUNT DUE	\$43,806.92

In addition, interest at the rate of \$12.16 per day on the unpaid principal balance will continue to accrue until the default is resolved. Any payments which are allowable under the mortgage document and are necessary to protect Plaintiff, relating to real estate taxes owed or which become due on the mortgaged property

together with fire or homeowners insurance premiums necessary to protect the Plaintiff, or any reasonable costs necessary to protect the property from waste or vandalism shall also become due and owing by Defendant to Plaintiff when expended by Plaintiff.

10. Pursuant to the provisions of Act 91 of the Pennsylvania General Assembly the Combined Act 6/91 Notice was sent to the Defendant by Certified Mail, Return Receipt Requested and by regular First Class Mail. Attached hereto and made a part hereof as Exhibit "B" is a true and correct copy of said Notices and same are incorporated by reference herein as though fully set forth at length.

WHEREFORE, Plaintiff prays judgment against Defendant in the sum of \$43,806.92 plus interest and late charges at the contract rate to date of Judgment as set forth above and costs, both of suit and as set forth above, and for foreclosure and sale of the mortgaged premises.

DATED: July 7, 2002

Respectfully submitted,

Comroe Hing LLP

By: 

David B. Comroe, Esquire
SupremeCourtI.D. 25694
Attorneys for Plaintiff

VERIFICATION

for Plaintiff, having express authorization to enter into this verification verifies the foregoing Complaint in Mortgage Foreclosure and avers that the statements of fact therein contained are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, and that same are true upon the signer's personal knowledge or information and belief.

A handwritten signature is written over a horizontal line. The signature is cursive and appears to begin with a 'J' or 'L' and end with a 'G' or 'S'.

DESCRIPTION

ALL THAT CERTAIN parcel or piece of land situate in Sandy Township, Clearfield County, PA, bounded and described as follows:

BEGINNING at a post at the corner of Tozier Avenue and a 16 foot alley; thence along the said Tozier Avenue in a Westerly direction 40 feet to a post; thence North 11 degrees 57' East, 134 feet to a post at a 12 foot alley; thence along the said 12 foot alley, South 70 degrees 15' East 40 feet to a post at a 16 foot alley, South 18 degrees 45' West 79.1 feet to a post; thence along the said 16 foot alley 53.58 feet to a post at Tozier Avenue, the place of beginning. Containing 6,201 square feet, more or less.

BEING Parcel #128-B04-429-110 and Control #1280-74937.



CONSECO

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

JOHN FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

ACT 91 NOTICE TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

April 22, 2002

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

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

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

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

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

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



CONSECO

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

April 22, 2002

TO: JOHN FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

Loan No.: 5901038585
SSN: 172527615
Mortgaged Premises:
9 TOZIER AVE
DU BOIS, PA 15801

FROM: Conseco Finance Consumer Discount Company

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

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

- IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL,
- IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR MORTGAGE PAYMENTS, AND
- IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY.

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

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

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

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

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

NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT. (If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)

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

NATURE OF THE DEFAULT ---- The MORTGAGE debt held by the above lender on your property located at: 9 TOZIER AVE, DU BOIS, PA 15801 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: 02/16/02 \$368.24, 03/16/02 \$393.22, 04/16/02 \$393.22. Other charges (explain/itemize): Late Charges \$1314.55, NSF Fee: \$0000. TOTAL AMOUNTS PAST DUE: \$2469.33.

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

HOW TO CURE THE DEFAULT ---- You may cure the default within THIRTY (30) DAYS of the date of this notice BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$2469.33, PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to: Conseco Finance, 7360 So Kyrene Rd, Tempe, AZ 85253 (do not send cash). 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 the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.



IF THE MORTGAGE IS FORECLOSED UPON ---- The mortgaged property will be sold by the Sheriff N S E C O. to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before the lender begins legal proceedings against you, you will still be required to pay the reasonable attorney's fees actually incurred⁸⁸⁸⁻³¹⁵⁻⁸⁷⁸³ up to \$50.00. However, if legal proceedings are started against you, you will have to pay all reasonable attorney's fees actually incurred by the lender even if they exceed \$50.00. Any attorney's fees will be added to the amount you owe the lender, which may also include other reasonable costs. If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney's fees.

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

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HAD OCCURRED, IF YOU CURE THE DEFAULT, (HOWEVER, YOU DO NOT HAVE THIS
RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR CONSECO
YEAR)

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road

- 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 PROTECTON UNDER THE FEDERAL BANKRUPTCY LAW.

Enclosures: Pennsylvania Consumer Credit Counseling Agency List

Cc: Customer File



CONSECO

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

LAURA FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

ACT 91 NOTICE TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

April 22, 2002

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CONSECO

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road
Tempe, Arizona 85283-4583
888-315-8733

April 22, 2002

TO: LAURA FLANAGAN
9 TOZIER AVE
DU BOIS, PA 15801

Loan No.: 6901038585
SSN: 161587426
Mortgaged Premises:
9 TOZIER AVE
DU BOIS, PA 15801

FROM: Conseco Finance Consumer Discount Company

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

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

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

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

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

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

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

NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT. (If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)

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

NATURE OF THE DEFAULT ---- The MORTGAGE debt held by the above lender on your property located at: 9 TOZIER AVE, DU BOIS, PA 15801 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: 02/16/02 \$368.24, 03/16/02 \$393.22, 04/16/02 \$393.22. Other charges (explain/itemize): Late Charges \$1314.55, NSF Fee: \$00000. TOTAL AMOUNTS PAST DUE: \$2469.33.

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

HOW TO CURE THE DEFAULT ---- You may cure the default within THIRTY (30) DAYS of the date of this notice BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$2469.33, PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to: Conseco Finance, 7360 So Kyrene Rd, Tempe, AZ 85253 (do not send cash). 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 the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.



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

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

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

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

HOW TO CONTACT THE LENDER:

Name of Lender: Conseco Finance Consumer Discount Company
Address: 7360 So Kyrene Rd, Tempe AZ 85253
Phone Number: 1-800-603-1109
Fax Number: 480/333-6460

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

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

YOU MAY ALSO HAVE THE RIGHT:

- TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
- TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
- TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT



HAD OCCURRED, IF YOU CURE THE DEFAULT, (HOWEVER, YOU DO NOT HAVE THIS
RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR CONSECO.
YEAR)

CONSECO FINANCE SERVICING CORP.
7360 S Kyrene Road

- 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 PROTECTON UNDER THE FEDERAL BANKRUPTCY LAW.

Enclosures: Pennsylvania Consumer Credit Counseling Agency List

Cc: Customer File

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

CONSECO Finance Consumer	:	NO. 02-1078-CD
Discount Company, fka Green Tree	:	
Consumer Discount Company	:	
7360 S. Kyrene Road	:	
MSD Foreclosure Unit	:	
Tempe, AZ 85282,	:	
Plaintiff	:	ACTION OF MORTGAGE
	:	FORECLOSURE
v.	:	
John M. Flanagan	:	
9 Tozier Avenue	:	
DuBois, PA 15801,	:	
Defendant	:	

PRAECIPE TO ENTER APPEARANCE

To the Prothonotary:

Kindly enter my appearance on behalf of the Defendant in the above referenced matter.

Respectfully submitted,

AKMAN & ASSOCIATES, P.C.



Mark A. Falvo
Attorney for Defendant
Supreme Court No. 58135
AKMAN & ASSOCIATES, P.C.
38 West Scribner Avenue
DuBois, PA 15801
(814) 375-2259

FILED

OCT 03 2002

William A. Shaw
Prothonotary

FILED

OCT 03 2002

William A. Shaw
Prothonotary



One(1) ac to aff. filer

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

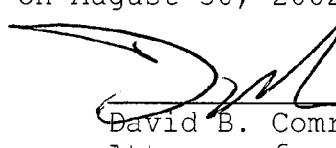
Term
No. 02-1078-CD

Defendant

::

Certification of Service

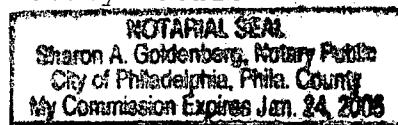
David B. Comroe, Esquire, Attorney for Plaintiff in the above captioned matter, being duly sworn according to law certifies that Notices of Intention to Take Judgement, as set forth in PA R.C.P., 237.1 copies of the Complaint in Mortgage Foreclosure were served upon the Defendants by Certified Mail and Regular, First-class Mail on August 30, 2002.



David B. Comroe, Esquire
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED before me
this 31st day of October

Sharon A. Goldenberg
Notary Public



, 2002
FILED NO
m19:03:34 cc
OCT 25 2002 G


William A. Shaw
Prothonotary

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendant

:::
::

CERTIFICATION

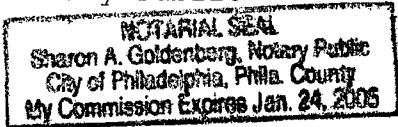
David B. Comroe, Esq., Attorney for Plaintiff in the above
captioned matter, hereby certifies that the provisions of the
Emergency Mortgage Relief Act, P.L. 1688 No. 621, as amended,
December 23, 1983 have been met.



David B. Comroe, Esquire
Attorney for Plaintiff

Sworn to and subscribed before me
this 21st day of October , 2002.

Sharon A. Goldenberg
Notary Public



FILED *McC*
m19:0381
OCT 25 2002 *g*
8/25

William A. Shaw
Prothonotary

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

FILED
Identification No.: 25694
m/9/3
OCT 25 2002

William A. Shaw
Prothonotary

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendant

::

PRAECIPE FOR ENTRY OF JUDGMENT
AND ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

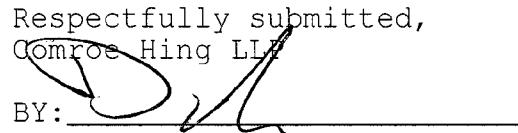
Enter Judgment in the amount of \$45,264.85 in favor of the Plaintiff and against the Defendant for failure to file an Answer in the above action within twenty (20) days from the date of service of the Complaint and assess Plaintiff's damages as follows:

(a) Principal Debt	\$37,247.09
(b) Late Charges at \$39.33 per month from 02/16/2002 to 10/17/2002.	\$314.64
(c) Interest from 01/16/2002 through 10/17/2002 at \$12.16	\$3,343.18

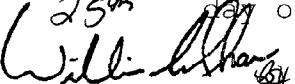
(d) Total Escrow Deficit to date	\$889.85
(e) Reasonable Attorney's fees as in the above	\$1,862.35
stated amount reflect third party sale only.	
If the Mortgagor reinstates the account,	
attorney's fees will be reasonable based upon	
work performed.	
(f) Title Report	\$335.00
(g) Court Filing Charges	\$115.50
(h) Uncollected Late Charge(s)	\$1,157.23
(i) Escrow Credit	\$0.00
TOTAL AMOUNT DUE \$45,264.85	

DATED: October 17, 2002

Respectfully submitted,
 Comroe Hing LLP

BY: 
 David B. Comroe, Esquire
 Attorney for Plaintiff

Damages assessed as above
 this 25th day of October, 2002.


 Pro Prothonotary

Comroe Hing LLP
By: David B. Comroe
1700 Market Street, Suite 1400
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

ACTION OF FORECLOSURE

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-co

Defendant

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Pennsylvania Bar Association
100 South St., P.O. Box 186, Harrisburg, PA 17108-0186
800-932-0311

AVISO IMPORTANTE

USTED ESTA EN REBELDIA PORQUE HA FALLADO EN TOMAR LA ACCION EXIGIDA DE SU PARTE EN ESTE CASO. A MENOS DE QUE USTED ACTUE DENTRO DE DIEZ DIAS DE LA PECHA DE ESTE AVISO. SE PUEDE REGISTRAR UNA SEN-TENCIA CONTRA USTED. SIN EL BENEFICIO DE UNA AUDIENCIA Y PUEDE PERDER SU PROPIEQAD O OSTROS DERECHOS IMPORTANTES. USTED DEBE LLEVAR ESTE AVISO A UN ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO Y NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO. DEBE COMUNICARSE CON LA SIGUIENTE OFICINA PARA AVERIGUAR DONDE PUEDE OBTENER AYUDA LEGAL:

Pennsylvania Bar Association
100 South St., P.O. Box 186, Harrisburg, PA 17108-0186
800-932-0311

DATE OF SERVICE: August 30, 2002

THIS IS A PROCESS THE PURPOSE OF WHICH IS TO COLLECT A DEBT AND ANY INFORMATION OBTAINED FROM YOU OR ANYONE ELSE WILL BE USED TO THAT END

NON-MILITARY AFFIDAVIT

STATE OF ARIZONA

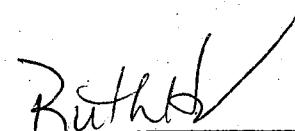
: SS

COUNTY OF MARICOPA

RE:

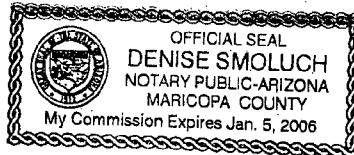
Ruth Hernandez, being first duly sworn on oath deposes and says:

1. That I am employed by the Plaintiff herein as servicer of the mortgage.
2. That the captioned individual(s) are the owners of the premises described in the mortgage or deed of trust.
3. That the collection procedures of the Plaintiff are designed to discover facts concerning the titleholder's occupations and military status.
4. That said procedures were followed in connection with the current delinquency.
5. That, on information and belief, that captioned titleholders are not incompetent or in any branch of the military service.


Ruth Hernandez, Foreclosure Manager

Sworn to and subscribed before me
this 5th day of July, 2002.

Denise Smoluch
NOTARY PUBLIC



FILED

NO
CC

319:13-02
OCT 25 2002

Atty pd. 20.00

Notice o copy of Judg.

William A. Shaw
Prothonotary

Q
Rex

to Def.

OFFICE OF THE PROTHONOTARY
Court of Common Pleas

COPY

TO: John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215)568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendant

N O T I C E

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 David B. Comroe at this telephone number:
(215)568-0400.

COPY

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

Conseco Finance Consumer Discount Company
Plaintiff(s)

No.: 2002-01078-CD

Real Debt: \$45,264.85

Atty's Comm:

Vs. Costs: \$

Int. From:

John M. Flanagan
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 25, 2002

Expires: October 25, 2007

Certified from the record this 25th day of October, 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

PRAECIPE FOR WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215)568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendant

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter:

OCT 25 2002

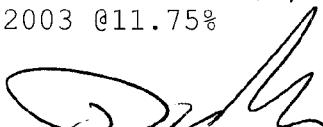
PREMISES: 9 Tozier Ave., DuBois, PA 15801

William A. Shaw
Prothonotary

See Exhibit "A" attached

Prothonotary Costs 120.00
(Costs to be added) AMOUNT DUE \$45,264.85

Interest from 10/17/2002 \$2,185.73
to 3/19/2003 @11.75%



David B. Comroe, Esquire
Attorney for Plaintiff

DESCRIPTION

ALL THAT CERTAIN parcel or piece of land situate in Sandy Township, Clearfield County, PA, bounded and described as follows:

BEGINNING at a post at the corner of Tozier Avenue and a 16 foot alley; thence along the said Tozier Avenue in a Westerly direction 40 feet to a post; thence North 11 degrees 57' East, 134 feet to a post at a 12 foot alley; thence along the said 12 foot alley, South 70 degrees 15' East 40 feet to a post at a 16 foot alley, South 18 degrees 45' West 79.1 feet to a post; thence along the said 16 foot alley 53.58 feet to a post at Tozier Avenue, the place of beginning. Containing 6,201 square feet, more or less.

BEING Parcel #128-B04-429-110 and Control #1280-74937.

FILED

Atty pd. 2600
1cc to Shff
m 19:30 AM
OCT 25 2002
leav its w/ prop descr.
to Shff

William A. Shaw
Prothonotary

CG
421

COPY

Mortgage Foreclosure
Ground Rent (rem)

COMMONWEALTH OF PENNSYLVANIA
County of CLEARFIELD

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

ACTION OF MORTGAGE FORECLOSURE

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-CD

Defendant

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:

PREMISES: 9 Tozier Ave., DuBois, PA 15801

See Exhibit "A" attached

AMOUNT DUE	
	\$45,264.85
Interest from 10/17/02 to 3/19/03 @11.75%	\$2,185.73
(Costs to be added)	

Prothonotary costs 120.00
Prothonotary

BY: Willie Johnson
Clerk

Date: 10/25/02

COURT OF COMMON PLEAS

No. 02-1078-CD
Term

Conseco Finance Consumer Discount
Company, fka Green Tree Consumer
Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

Plaintiff

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Defendant

WRIT OF EXECUTION

PREMISES: 9 Tozier Ave., DuBois,
PA 15801

Real Debt \$45,264.85

Interest from \$2,185.73
10/17/02 to
3/19/03 @11.75%
Costs Paid:

Prothy.

Sheriff

Statutory

Costs Due
Prothy.

120.00

David B. Comroe, Esq.
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400

DESCRIPTION

ALL THAT CERTAIN parcel or piece of land situate in Sandy Township, Clearfield County, PA, bounded and described as follows:

BEGINNING at a post at the corner of Tozier Avenue and a 16 foot alley; thence along the said Tozier Avenue in a Westerly direction 40 feet to a post; thence North 11 degrees 57' East, 134 feet to a post at a 12 foot alley; thence along the said 12 foot alley, South 70 degrees 15' East 40 feet to a post at a 16 foot alley, South 18 degrees 45' West 79.1 feet to a post; thence along the said 16 foot alley 53.58 feet to a post at Tozier Avenue, the place of beginning. Containing 6,201 square feet, more or less.

BEING Parcel #128-B04-429-110 and Control #1280-74937.

Certificate To The Sheriff

Conseco Finance Consumer M.C.
Discount Company, fka Green
Tree Consumer Discount Company C.P. (Circle One)
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

Plaintiff

Term

No. 02-1078-CD

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Defendant

I HEREBY CERTIFY THAT:

I. The judgment entered in the above matter is based on an action:

- A. In Assumpsit (Contract)
- B. In Trespass (Accident)
- C. In Mortgage Foreclosure
- D. On a note accompanying a purchase money mortgage and the property being exposed to sale is the mortgaged property.

II. The Defendant owns the property being exposed to sale as:

- A. An individual
- B. Tenants by Entireties
- C. Joint tenants with right of survivorship
- D. A partnership
- E. Tenants in Common
- F. A corporation

III. The Defendant is:

- A. Resident in the Commonwealth of Pennsylvania
- B. Not resident in the Commonwealth of Pennsylvania
- C. If more than one Defendant and either A or B above not applicable, state which Defendants are residents of the Commonwealth of Pennsylvania:

Residents: _____

This certification must be signed by the attorney of record if an appearance has been entered; otherwise certification must be signed by Plaintiff.

Name: David B. Comroe, Esquire
Phone No.: (215) 568-0400

Signature: David B. Comroe

Address:
1608 Walnut Street, Suite 300
Philadelphia, PA 19103

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendant

::

AFFIDAVIT PURSUANT TO RULE 3129.1

Conseco Finance Consumer Discount Company, fka Green Tree Consumer Discount Company, Plaintiff in the above action, sets forth as of the date the praecipe for the Writ of Execution was filed, the following information concerning the real property located at 9 Tozier Ave., DuBois, PA 15801:

1. Name and address of Owner or Reputed Owner:

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

2. Name and address of Defendant in the judgment:

	<u>Date</u>	<u>Service Code</u>
John M. Flanagan 9 Tozier Ave. DuBois, PA 15801		1

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

	<u>Date</u>	<u>Service Code</u>

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

	<u>Date</u>	<u>Service Code</u>
George W. Murray 117 Robinson Drive DuBois, PA 15801	10/21/07	3
Beneficial Consumer Discount Company dba Beneficial Mortgage Company of PA 90 Beaver Drive, Suite 114 DuBois, PA 15801	10/21/07	3

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

	<u>Date</u>	<u>Service Code</u>

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

	<u>Date</u>	<u>Service Code</u>

Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105	10/21/02	3
Family Court Domestic Relations Division 1 N. 2nd St. Clearfield, PA 16830	10/21/02	3
Commonwealth of Pennsylvania Bureau of Child Support Enforcement 1 N. 2nd St. Clearfield, PA 16830	10/21/02	3
Clearfield County Tax Claim Bureau 1 N. 2nd St. Clearfield, PA 16830	10/21/02	3
Laura Flanagan 9 Tozier Ave. DuBois, PA 15801	10/21/02	3

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.

(attach separate sheet if more space is needed)

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATED:

10/21/02



Plaintiff

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

ACTION OF MORTGAGE FORECLOSURE

vs.

Term
No. 02-1078-CD

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Defendant

AFFIDAVIT PURSUANT TO RULE 3129.2
AND RETURN OF SERVICE PURSUANT TO
PA R.C.P. 405 OF NOTICE OF SALE

David B. Comroe, Esq., Attorney for Plaintiff, Conseco Finance Consumer Discount Company, fka Green Tree Consumer Discount Company sets forth as of the date of the praecipe for the writ of execution was filed the following information concerning the real property located at 9 Tozier Ave., DuBois, PA 15801 to be sold at Sheriff's Sale on March 19, 2003. As required by PA R.C.P. 3129.2 (a) Notice of Sale has been given in the manner required by PA R.C.P. 3129.2 (c) on each of the persons or parties named at the addresses set forth below on the

date and in the manner noted in the margin by the names of each and copies of each notice together with return receipts or proof of mailing are attached as Exhibits. The manner of service, as noted in the margin, utilizes the following codes:

1. Personal Service by the Sheriff or in accordance with Pennsylvania Rule of Civil Procedure 400.1.
2. Certified mail-return receipt attached
3. First Class Mail-Certificate 3817

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. Section 4904 relating to unsworn falsification to authorities.

Date: October 17, 2002



David B. Comroe
Attorney for Plaintiff

LAW OFFICES
COMROE HING LLP
SUITE 300
1608 WALNUT STREET
PHILADELPHIA, PA 19103-5446

(215) 568-0400
FAX NUMBER (215) 568-5560
www.comroehing.com

DAVID B. COMROE
GLENN F. HING

ROBERT J. WILSON
BLAIR KALISH ADLER

George W. Murray
117 Robinson Drive
DuBois, PA 15801

October 17, 2002

RE: Conseco Finance Consumer Discount Company, fka Green
Tree Consumer Discount Company vs John M. Flanagan

Docket No.: 02-1078-CD Term

Property Address: 9 Tozier Ave., DuBois, PA 15801

NOTICE OF SALE OF REAL PROPERTY

Dear Sir/Madam:

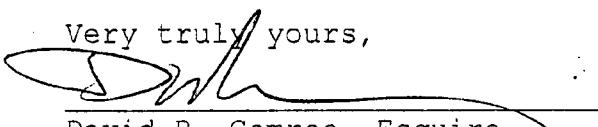
Please be advised that the property and improvements, if any, as set forth above, will be sold by the Sheriff of CLEARFIELD County, in the County Court House, 1 North Second Street, Clearfield, PA 16830, on March 19, 2003, at 10:00 AM.

This property and improvements, if any, is being sold pursuant to a Judgment entered in favor of Plaintiff and against Defendant in the Court of Common Pleas of CLEARFIELD County.

The name of the owner, real owner and reputed owner of the aforesaid property is as set forth as the Defendant above. It has come to our attention that you might be a creditor to the Defendant named herein. Sheriff's Sale of the mortgaged property could adversely affect your interest if you are, in fact, a junior creditor herein.

A Schedule of Distribution will be filed by the sheriff on a date specified by the Sheriff no later than thirty (30) days after said sale, and a distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days after the date said schedule. You should check with the Sheriff's office by calling (814) 765-2641 to determine the actual date of the filing of the said schedule.

Very truly yours,


David B. Comroe, Esquire

DBC/jb

LAW OFFICES
COMROE HING LLP
SUITE 300
1608 WALNUT STREET
PHILADELPHIA, PA 19103-5446
(215) 568-0400
FAX NUMBER (215) 568-5560
www.comroehing.com

DAVID B. COMROE
GLENN F. HING

ROBERT J. WILSON
BLAIR KALISH ADLER

Beneficial Consumer Discount Company
dba Beneficial Mortgage Company of PA
90 Beaver Drive, Suite 114
DuBois, PA 15801

October 17, 2002

RE: Conseco Finance Consumer Discount Company, fka Green
Tree Consumer Discount Company vs John M. Flanagan
Docket No.: 02-1078-CD Term
Property Address: 9 Tozier Ave., DuBois, PA 15801
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Very truly yours,

David B. Comroe, Esquire

DBC/jb

LAW OFFICES
COMROE HING LLP
SUITE 300
1608 WALNUT STREET
PHILADELPHIA, PA 19103-5446
(215) 568-0400
FAX NUMBER (215) 568-5560
www.comroehing.com

DAVID B. COMROE
GLENN F. HING

ROBERT J. WILSON
BLAIR KALISH ADLER

Commonwealth of Pennsylvania
Department of Welfare
P.O. Box 2675
Harrisburg, PA 17105

October 17, 2002

RE: Conseco Finance Consumer Discount Company, fka Green
Tree Consumer Discount Company vs John M. Flanagan
Docket No.: 02-1078-CD Term
Property Address: 9 Tozier Ave., DuBois, PA 15801
NOTICE OF SALE OF REAL PROPERTY

Dear Sir/Madam:

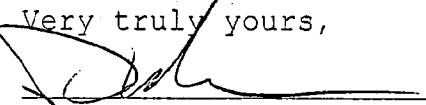
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Very truly yours,



David B. Comroe, Esquire

DBC/jb

LAW OFFICES
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(215) 568-0400
FAX NUMBER (215) 568-5560
www.comroehing.com

DAVID B. COMROE
GLENN F. HING

ROBERT J. WILSON
BLAIR KALISH ADLER

Family Court
Domestic Relations Division
1 N. 2nd St.
Clearfield, PA 16830

October 17, 2002

RE: Conseco Finance Consumer Discount Company, fka Green
Tree Consumer Discount Company vs John M. Flanagan
Docket No.: 02-1078-CD Term
Property Address: 9 Tozier Ave., DuBois, PA 15801
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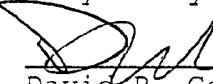
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Very truly yours,



David B. Comroe, Esquire

DBC/jb

LAW OFFICES
COMROE HING LLP

SUITE 300
1608 WALNUT STREET
PHILADELPHIA, PA 19103-5446

(215) 568-0400
FAX NUMBER (215) 568-5560
www.comroehing.com

DAVID B. COMROE
GLENN F. HING

ROBERT J. WILSON
BLAIR KALISH ADLER

Commonwealth of Pennsylvania
Bureau of Child Support Enforcement
1 N. 2nd St.
Clearfield, PA 16830

October 17, 2002

RE: Conseco Finance Consumer Discount Company, fka Green
Tree Consumer Discount Company vs John M. Flanagan
Docket No.: 02-1078-CD Term
Property Address: 9 Tozier Ave., DuBois, PA 15801
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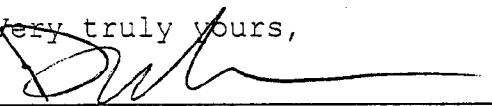
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Very truly yours,



David B. Comroe, Esquire

DBC/jb

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FAX NUMBER (215) 568-5560
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DAVID B. COMROE
GLENN F. HING

ROBERT J. WILSON
BLAIR KALISH ADLER

Clearfield County Tax Claim Bureau
1 N. 2nd St.
Clearfield, PA 16830

October 17, 2002

RE: Conseco Finance Consumer Discount Company, fka Green
Tree Consumer Discount Company vs John M. Flanagan
Docket No.: 02-1078-CD Term
Property Address: 9 Tozier Ave., DuBois, PA 15801
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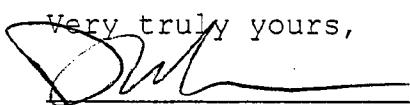
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Very truly yours,


David B. Comroe, Esquire

DBC/jb

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FAX NUMBER (215) 568-5560
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DAVID B. COMROE
GLENN F. HING

ROBERT J. WILSON
BLAIR KALISH ADLER

Laura Flanagan
9 Tozier Ave.
DuBois, PA 15801

October 17, 2002

RE: Conseco Finance Consumer Discount Company, fka Green
Tree Consumer Discount Company vs John M. Flanagan

Docket No.: 02-1078-CD Term

Property Address: 9 Tozier Ave., DuBois, PA 15801

NOTICE OF SALE OF REAL PROPERTY

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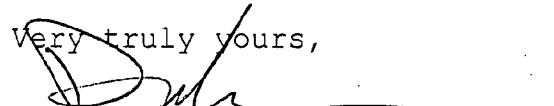
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Very truly yours,



David B. Comroe, Esquire

DBC/jb

Name and Address of Sender

JAMIE BRYAN (FOR)
 DAVID B. COMROE, ESQUIRE
 1608 WALNUT STREET, SUITE 300
 PHILADELPHIA, PA 19103

Check type of mail or service:

Certified Recorded Delivery (International)
 COD Registered
 Delivery Confirmation Return Receipt for Merchandise
 Express Mail Signature Confirmation
 Insured

Affix Stamp Here

(If issued as a certificate of mailing, or for additional copies of this item)
 Postmark and Date of Receipt

Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1. GEORGE W. MURRAY	117-ROBINSON-DRIVE DUBOIS, PA 15801											
2. BENEFICIAL CONSUMER DISCOUNT COMPANY DBA BENEFICIAL MORTGAGE COMPANY OF PA	90 BEAVER DRIVE, SUITE 14 DUBOIS, PA 15801											
3. COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE	P.O. BOX 2675 HARRISBURG, PA 17105											
4. FAMILY COURT DOMESTIC RELATIONS DIVISION	1 N. 2ND STREET CLEARFIELD, PA 16830											
5. COMMONWEALTH OF PENNSYLVANIA BUREAU OF CHILD SUPPORT ENFORCEMENT	1 N. 2ND STREET CLEARFIELD, PA 16830											
6. CLEARFIELD COUNTY TAX CLAIM BUREAU	1 N. 2ND STREET CLEARFIELD, PA 16830											
7. LAURA FLANAGAN	9 TOZIER AVENUE DUBOIS, PA 15801											
8.												
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)										

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendant

::

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: John M. Flanagan

Your property at 9 Tozier Ave., DuBois, PA 15801 in CLEARFIELD County, Pennsylvania is scheduled to be sold at Sheriff's Sale on March 19, 2003, at 10:00 AM, in CLEARFIELD County to enforce the Court Judgment of \$45,264.85 obtained by Conseco Finance Consumer Discount Company, fka Green Tree Consumer Discount Company against you.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

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

1. The sale will be canceled if you pay to Comroe Hing LLP, attorneys for the Plaintiff, the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay call:

(215) 568-0400

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the greater chance you will have of stopping the sale. (See notice below to find out how to obtain an attorney).

YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE.

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the bid price by calling the Sheriff's Office at (814) 765-2641.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call the Sheriff's Office at (814) 765-2641.

4. If the amount due from the Buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff within thirty (30) days of the Sale date. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exemptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after.

7. You may also have other rights and defenses, or ways of getting your house back, if you act immediately after the sale.

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

Pennsylvania Bar Association
100 South St., P.O. Box 186, Harrisburg, PA 17108-0186
(800) 932-0311

THIS IS A PROCESS THE PURPOSE OF WHICH IS TO COLLECT A DEBT AND ANY INFORMATION OBTAINED FROM YOU OR ANYONE ELSE WILL BE USED TO THAT END.

DESCRIPTION

ALL THAT CERTAIN parcel or piece of land situate in Sandy Township, Clearfield County, PA, bounded and described as follows:

BEGINNING at a post at the corner of Tozier Avenue and a 16 foot alley; thence along the said Tozier Avenue in a Westerly direction 40 feet to a post; thence North 11 degrees 57' East, 134 feet to a post at a 12 foot alley; thence along the said 12 foot alley, South 70 degrees 15' East 40 feet to a post at a 16 foot alley, South 18 degrees 45' West 79.1 feet to a post; thence along the said 16 foot alley 53.58 feet to a post at Tozier Avenue, the place of beginning. Containing 6,201 square feet, more or less.

BEING Parcel #128-B04-429-110 and Control #1280-74937.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13270

CONSECO FINANCE CONSUMER DISCOUNT COMPANY ET AL

02-1078-CD

VS.

FLANAGAN, JOHN M.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, OCTOBER 28, 2002 RECEIVED WRIT OF EXECUTION AND DOCKETED IN COMPUTER.

NOW, NOVEMBER 6, 2002 CALLED ATTORNEY DAVID B. COMROE TO INFORM HIM I RECEIVED PAPERS THAT JOHN M. FLANAGAN FILED BANKRUPTCY.

NOW, NOVEMBER 7, 2002 RECEIVED FAX FROM ATTORNEY TO STAY THE SHERIFF SALE.

NOW, MARCH 6, 2003 RETURN WRIT AS NO SALE HELD. DEFENDANT FILED BANKRUPTCY. PAID COSTS FROM ADVANCE AND MADE REFUND OF UNUSED ADVANCE TO ATTORNEY.

SHERIFF HAWKINS \$20.00

SURCHARGE \$20.00

PAID BY ATTORNEY

FILED

MAR 06 2003

**William A. Shaw
Prothonotary**

Sworn to Before Me This

6 Day Of March 2003
Willie

So Answers,

Willie
By Cynthia Butler-Chester
Chester A. Hawkins
Sheriff

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

Mortgage Foreclosure
Ground Rent (rem)

COMMONWEALTH OF PENNSYLVANIA
County of CLEARFIELD

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Conseco Finance Consumer
Discount Company, fka Green
Tree Consumer Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendant
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:

PREMISES: 9 Tozier Ave., DuBois, PA 15801

See Exhibit "A" attached

AMOUNT DUE	
	\$45,264.85
Interest from 10/17/02 to 3/19/03 @11.75%	\$2,185.73
(Costs to be added)	
Prothonotary Costs	120.00
Prothonotary	

BY: Will H. Hahn
Clerk

Date: 10/25/02

Received October 28, 2002, @ 12:30 P.M.
Chester A. Hawkins
by Cynthia Butler-Oughbaugh

COURT OF COMMON PLEAS

No. 02-1078-CD
Term

Conseco Finance Consumer Discount
Company, fka Green Tree Consumer
Discount Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

Plaintiff

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Defendant

WRIT OF EXECUTION

PREMISES: 9 Tozier Ave., DuBois,
PA 15801

Real Debt \$45,264.85

Interest from \$2,185.73
10/17/02 to
3/19/03 @11.75%
Costs Paid:

Prothy.

Sheriff

Statutory

Costs Due
Prothy.

DM 120.00

David B. Comroe, Esq.
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400

DESCRIPTION

ALL THAT CERTAIN parcel or piece of land situate in Sandy Township, Clearfield County, PA, bounded and described as follows:

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BEING Parcel #128-B04-429-110 and Control #1280-74937.

LAW OFFICES
COMROE HING LLP
SUITE 300
1608 WALNUT STREET, SUITE 300
PHILADELPHIA, PA 19103-5446

(215) 568-0400
FAX NUMBER (215) 568-5560

DAVID B. COMROE
GLENN F. HING
ROBERT J. WILSON
BLAIR KALISH ADLER

November 7, 2002

Clearfield County Prothonotary Office
1 N. Second Street
Clearfield, PA 16830

ATTN: CINDY

RE: Conseco Finance Consumer Discount Company,
fka Green Tree Consumer Discount Company
VS. John M. Flanagan
Docket # 02-1078-CD
Sale Date March 19, 2003

Dear Cindy:

Please STAY the above sheriff's sale as the above mortgagor filed a Chapter 13 Bankruptcy, Case #02-31755 on October 28, 2002. Please return any unused portions of the sheriff's deposit to my office.

Thank you for your assistance in this matter. If You have any questions, please do not hesitate to call.

Sincerely yours,

Jamie L. Bryan

Jamie L. Bryan (for)
DAVID B. COMROE, ESQUIRE

fax # 814-765-5915

Received 11/12/02

PRAECIPE FOR WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

vs.

ACTION OF MORTGAGE FORECLOSURE

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-CD

Defendants

FILED

APR 12 2004

TO THE PROTHONOTARY:

William A. Shaw
Prothonotary/Clerk of Courts

Issue Writ of Execution in the above matter:

PREMISES: 9 Tozier Ave., DuBois, PA, 15801

See Exhibit "A" attached

(Costs to be added) AMOUNT DUE \$45,264.85

Interest from 10/25/02 to sale date @ \$
11.75%

140.00 Prothonotary costs



David B. Comroe, Esquire
Attorney for Plaintiff

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BEING Parcel #128-B04-429-110 and Control #1280-74937.

FILED
1:45 PM
APR 12 2004
William A. Shaw
Prothonotary/Clerk of Courts
ice shf and
le wants w/prop. descr.
Aly pd 20.00
GRK

Certificate To The Sheriff

Conseco Finance Consumer M.C.
Discount Company, fka Green
Tree Consumer Discount Company C.P. (Circle One)
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

Plaintiff

Term
No. 02-1078-CD

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Defendant

I HEREBY CERTIFY THAT:

I. The judgment entered in the above matter is based on an action:

- A. In Assumpsit (Contract)
- B. In Trespass (Accident)
- C. In Mortgage Foreclosure
- D. On a note accompanying a purchase money mortgage and the property being exposed to sale is the mortgaged property.

II. The Defendant owns the property being exposed to sale as:

- A. An individual
- B. Tenants by Entireties
- C. Joint tenants with right of survivorship
- D. A partnership
- E. Tenants in Common
- F. A corporation

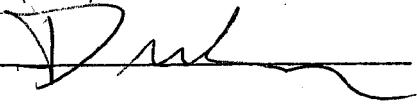
III. The Defendant is:

- A. Resident in the Commonwealth of Pennsylvania
- B. Not resident in the Commonwealth of Pennsylvania
- C. If more than one Defendant and either A or B above not applicable, state which Defendants are residents of the Commonwealth of Pennsylvania:

Residents: _____

This certification must be signed by the attorney of record if an appearance has been entered; otherwise certification must be signed by Plaintiff.

Name: David B. Comroe, Esquire
Phone No.: (215) 568-0400

Signature: 

Address:
1608 Walnut Street, Suite 300
Philadelphia, PA 19103

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

vs.

ACTION OF MORTGAGE FORECLOSURE

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801
Defendants

Term
No. 02-1078-CD

::

AFFIDAVIT PURSUANT TO RULE 3129.1

Green Tree Consumer Discount Company, Plaintiff in the above action, sets forth as of the date the praecipe for the Writ of Execution was filed, the following information concerning the real property located at 9 Tozier Ave., DuBois, PA, 15801:

1. Name and address of Owner or Reputed Owner:
John M. Flanagan
9 Tozier Ave.
DuBois PA 15801

2. Name and address of Defendants in the judgment:

	<u>Date</u>	<u>Service Code</u>
John M. Flanagan 9 Tozier Ave. DuBois PA 15801		

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

	<u>Date</u>	<u>Service Code</u>

--	--	--

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

<u>/</u>	<u>Date</u>	<u>Service Code</u>
George W. Murray 117 Robinson Drive DuBois PA 15801		
Beneficial Consumer Discount Company dba Beneficial Mortgage Company of PA 90 Beaver Drive Suite 114 DuBois PA 15801		

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

	<u>Date</u>	<u>Service Code</u>

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

	<u>Date</u>	<u>Service Code</u>

Commonwealth of Pennsylvania
Department of Welfare
P.O. Box 2675
Harrisburg PA 17105

Family Court
Domestic Relations Division
1 N. 2nd St.
Clearfield PA 16830

Commonwealth of Pennsylvania
Bureau of Child Support
Enforcement
1 N. 2nd St.
Clearfield PA 16830

Clearfield County Tax Claim
Bureau
1 N. 2nd St.
Clearfield PA 16830

Laura Flanagan
9 Tozier Ave.
DuBois PA 15801

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.

(attach separate sheet if more space is needed)

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATED:



Plaintiff

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215)568-0400
Attorney for Plaintiff

Identification No.: 25694

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

ACTION OF MORTGAGE FORECLOSURE

Term
No. 02-1078-CD

Defendants

::

AFFIDAVIT PURSUANT TO RULE 3129.2
AND RETURN OF SERVICE PURSUANT TO
PA R.C.P. 405 OF NOTICE OF SALE

David B. Comroe, Esq., Attorney for Plaintiff, Green Tree Consumer Discount Company sets forth as of the date of the praecipe for the writ of execution was filed the following information concerning the real property located at 9 Tozier Ave., DuBois, PA, 15801 to be sold at Sheriff's Sale on _____ . As required by PA R.C.P. 3129.2 (a) Notice of Sale has been given in the manner required by PA R.C.P. 3129.2 (c) on each of the persons or parties named at the addresses set forth below on the date and in the manner noted in the margin by the names of each and copies of each notice

together with return receipts or proof of mailing are attached as Exhibits. The manner of service, as noted in the margin, utilizes the following codes:

1. Personal Service by the Sheriff or in accordance with Pennsylvania Rule of Civil Procedure 400.1.
2. Certified mail-return receipt attached
3. First Class Mail-Certificate 3817

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. Section 4904 relating to unsworn falsification to authorities.

Date: April 7, 2004



David B. Comroe
Attorney for Plaintiff

COPY

Mortgage Foreclosure
Ground Rent (rem)

COMMONWEALTH OF PENNSYLVANIA
County of CLEARFIELD

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

vs.

ACTION OF MORTGAGE FORECLOSURE

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-CD

Defendants

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:

PREMISES: 9 Tozier Ave., DuBois, PA, 15801

See Exhibit "A" attached

AMOUNT DUE	\$45,264.85
------------	-------------

Interest from
10/25/02 to sale
date at 11.75%
(Costs to be added)

Prothonotary 140.00

BY: _____
Clerk

Date: 4/12/04

COURT OF COMMON PLEAS

No. 02-1078-CD
Term

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

Plaintiff

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Defendants

WRIT OF EXECUTION

PREMISES: 9 Tozier Ave., DuBois,
PA, 15801

Real Debt \$45,264.85

Interest from
10/25/02 to
sale date @
11.75%
Costs Paid:

Prothy.

Sheriff

Statutory

Costs Due
Prothy.



David B. Comroe, Esq.
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400

COMROE HING LLP
1608 Walnut Street
Suite 300
Philadelphia, PA 19103-5446

DESCRIPTION

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BEING Parcel #128-B04-429-110 and Control #1280-74937.

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

FILED

MAY 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

vs.

ACTION OF MORTGAGE FORECLOSURE

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-CD

Defendants

AMENDED

AFFIDAVIT PURSUANT TO RULE 3129.1

Green Tree Consumer Discount Company, Plaintiff in the above action, sets forth as of the date the praecipe for the Writ of Execution was filed, the following information concerning the real property located at 9 Tozier Ave., DuBois, PA, 15801:

1. Name and address of Owner or Reputed Owner:

John M. Flanagan
9 Tozier Ave.
DuBois PA 15801

2. Name and address of Defendants in the judgment:

	<u>Date</u>	<u>Service Code</u>
John M. Flanagan 9 Tozier Ave. DuBois PA 15801		

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

	<u>Date</u>	<u>Service Code</u>

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

	<u>Date</u>	<u>Service Code</u>
George W. Murray 117 Robinson Drive DuBois PA 15801	5/19/04	3
Beneficial Consumer Discount Company dba Beneficial Mortgage Company of PA 90 Beaver Drive Suite 114 DuBois PA 15801	5/19/04	3

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

	<u>Date</u>	<u>Service Code</u>

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

	<u>Date</u>	<u>Service Code</u>

Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg PA 17105	5/19/04	3
Family Court Domestic Relations Division 1 N. 2nd St. Clearfield PA 16830	"	"
Commonwealth of Pennsylvania Bureau of Child Support Enforcement 1 N. 2nd St. Clearfield PA 16830	"	"
Clearfield County Tax Claim Bureau 1 N. 2nd St. Clearfield PA 16830	"	"
Laura Flanagan 9 Tozier Ave. DuBois PA 15801	5/19/04	3

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.

(attach separate sheet if more space is needed)

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATED: 5/19/04



Plaintiff

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

FILED

MAY 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff
vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-CD

Defendants
::

AFFIDAVIT PURSUANT TO RULE 3129.2
AND RETURN OF SERVICE PURSUANT TO
PA R.C.P. 405 OF NOTICE OF SALE

David B. Comroe, Esq., Attorney for Plaintiff, Green Tree Consumer Discount Company sets forth as of the date of the praecipe for the writ of execution was filed the following information concerning the real property located at 9 Tozier Ave., DuBois, PA, 15801 to be sold at Sheriff's Sale on July 2, 2004. As required by PA R.C.P. 3129.2 (a) Notice of Sale has been given in the manner required by PA R.C.P. 3129.2 (c) on each of the persons or parties named at the addresses set forth

below on the date and in the manner noted in the margin by the names of each and copies of each notice together with return receipts or proof of mailing are attached as Exhibits. The manner of service, as noted in the margin, utilizes the following codes:

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Date: May 19, 2004



David B. Comroe
Attorney for Plaintiff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15564

GREEN TREE CONSUMER DISCOUNT COMPANY

02-1078-CD

VS.

FLANAGAN, JOHN M.

WRIT OF EXECUTION

REAL ESTATE

SHERIFF RETURNS

NOW, MAY 14, 2004 @ 10:35 A.M. O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS ALSO POSTED THIS DATE AND TIME.

A SALE DATE OF JULY 2, 2004 WAS SET.

NOW, JULY 2, 2004 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$1.00 + COSTS.

NOW, JULY 12, 2004 BILLED ATTORNEY FOR ADDITONAL COSTS DUE.

NOW, AUGUST 12, 2004 RECEIVED CHECK FROM ATTORNEY FOR ADDITIONAL COSTS DUE.

NOW, DECEMBER 17, 2004 PAID COSTS FROM THE ADVANCE AND ADDITONAL CHECK FROM THE ATTORNEY.

NOW, DECEMBER 17, 2004 RETURN WRIT AS A SALE BEING HELD ON THE PROPERTY OF THE DEFENDANTS.

NOW, DECEMBER 17, 2004 A DEED WAS FILED.

SHERIFF HAWKINS \$213.94
SURCHARGE \$20.00
PAID BY ATTORNEY

FILED 6/2
03.3869 100-000-000
DEC 17 2004

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15564

GREEN TREE CONSUMER DISCOUNT COMPANY

02-1078-CD

VS.

FLANAGAN, JOHN M.

WRIT OF EXECUTION

REAL ESTATE

SHERIFF RETURNS

Sworn to Before Me This

____ Day Of _____ 2004

So Answers,

*Chester Hawkins
by Cynthia Ritter - Auditor/Deed
Chester A. Hawkins
Sheriff*

Mortgage Foreclosure
Ground Rent (rem)

COMMONWEALTH OF PENNSYLVANIA
County of CLEARFIELD

Comroe Hing LLP
By: David B. Comroe
1608 Walnut Street, Suite 300
Philadelphia, PA 19103
(215) 568-0400
Attorney for Plaintiff

Identification No.: 25694

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

Plaintiff

vs.

ACTION OF MORTGAGE FORECLOSURE

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Term
No. 02-1078-CD

Defendants

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

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PREMISES: 9 Tozier Ave., DuBois, PA, 15801

See Exhibit "A" attached

AMOUNT DUE	\$45,264.85
------------	-------------

Interest from
10/25/02 to sale
date at 11.75%
(Costs to be added)

Prothonotary 140.00

BY: Willie L. Hark
Clerk

Date: 4/12/04

Received April 12, 2004 @ 2:00 P.M.
Chester A. Hawkins
by Cynthia Butler Aughenbaugh

COURT OF COMMON PLEAS

No. 02-1078-CD
Term

Green Tree Consumer Discount
Company
7360 S. Kyrene Road
MSD Foreclosure Unit
Tempe, AZ 85282

Plaintiff

vs.

John M. Flanagan
9 Tozier Ave.
DuBois, PA 15801

Defendants

WRIT OF EXECUTION

PREMISES: 9 Tozier Ave., DuBois,
PA, 15801

Real Debt \$45,264.85

Interest from
10/25/02 to
sale date @
11.75%
Costs Paid:

Prothy.

Sheriff

Statutory

Costs Due
Prothy.

David B. Comroe, Esq.
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BEING Parcel #128-B04-429-110 and Control #1280-74937.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME JOHN M. FLANAGAN NO. 02-1078-CD

NOW, December 17, 2004, 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 July 02, 2004, I exposed the within described real estate of Flanagan, John M. to public venue or outcry at which time and place I sold the same to GREEN TREE CONSUMER DISCOUNT COMPANY he/she being the highest bidder, for the sum of \$1.00 and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	15.00	DEBT-AMOUNT DUE	
MILEAGE	15.00	INTEREST @	0.00
LEVY	14.25	FROM TO 07/02/2004	
MILEAGE	15.00	PROTH SATISFACTION	
POSTING	14.25	LATE CHARGES AND FEES	
CSDS	15.00	COST OF SUIT-TO BE ADDED	
COMMISSION	10.00	FORECLOSURE FEES	
POSTAGE	0.00	ATTORNEY COMMISSION	
HANDBILLS	4.44	REFUND OF ADVANCE	
DISTRIBUTION	15.00	REFUND OF SURCHARGE	
ADVERTISING	25.00	SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED	30.00	PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE		MISCELLANEOUS	
ADD'L LEVY		TOTAL DEBT AND INTEREST	\$0.00
BID AMOUNT	1.00		
RETURNS/DEPUTIZE		COSTS:	
COPIES	15.00	ADVERTISING	294.36
	5.00	TAXES - COLLECTOR	177.13
BILLING/PHONE/FAX	5.00	TAXES - TAX CLAIM	7,163.99
CONTINUED SALES		DUE	
MISCELLANEOUS		LIEN SEARCH	100.00
TOTAL SHERIFF COSTS	\$213.94	ACKNOWLEDGEMENT	5.00
DEED COSTS:		DEED COSTS	28.50
ACKNOWLEDGEMENT	5.00	SHERIFF COSTS	213.94
REGISTER & RECORDER	28.50	LEGAL JOURNAL COSTS	135.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	140.00
TOTAL DEED COSTS	\$28.50	MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	4,181.49
		TOTAL COSTS	\$12,479.41

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