

02-1383-CD  
CREDIT-BASED ASSET SERVICING -vs- SAMUEL J. FOWEY III et al  
and SECURITIZATION, LLC

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

NO. 02-1383-C

COMPLAINT IN MORTGAGE FORECLOSURE

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

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

LAWYERS REFERRAL SERVICE  
David S. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

FILED

SEP 05 2002

William A. Shaw  
Prothonotary

**AVISO**

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

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

**David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982**

## **NOTICE**

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

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

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

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

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

Assignor: Equicredit

Assignments of Record to: Credit-Based Asset Servicing and Securitization, LLC

Recording Date: **LODGE FOR RECORDING**

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

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

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: 17 Mountain Run Road  
MUNICIPALITY/TOWNSHIP/BOROUGH: Huston Township  
COUNTY: Clearfield  
DATE EXECUTED: 9/30/00  
DATE RECORDED: 10/12/00 INSTRU: 200015302

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

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

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

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

6. The following amounts are due on the said Mortgage as of 7/15/02:

Principal of debt due and unpaid	\$89,240.75
Interest at 11.54% from 2/05/02 to 7/15/02 (the per diem interest accruing on this debt is \$28.59 and that sum should be added each day after 7/15/02)	4,602.99
Title Report	250.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Escrow Overdraft/(Balance)	1,376.12
Late Charges (monthly late charge of \$44.50 should be added in accordance with the terms of the note each month after 7/15/02)	267.00
Attorneys Fees (anticipated and actual to 5% of principal)	<u>4,462.04</u>
TOTAL	\$100,478.90

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

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

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$100,478.90 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.



---

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

7  
ALL that certain piece or parcel of land situate, lying and being in Huston Twonship, Clearfield County, Pennsylvania, bounded and described as follows; to-wit:

BEGINNING at an iron pin situate in the center of Legislative Route No. 17301, said iron pin also being at the Southwest corner of land now or formerly owned by John Morelli, being Lot No. 8 in the Palumbo Plan of Lots; thence along the centerline of Legislative Route No. 17031, the following courses and distances; North 82 degrees 26' west a distance of 77.76 feet to an iron pin; North 86 degrees 40' 50" West, 62.45 feet to an iron pin thence North 03degrees 00' West a distance of 222.4 feet to an iron pin at the Southerly line of Lot No. 2 in the Palumbo Plan of Lots; thence along the Southerly line of said Lot No. 2 and Lot No. 3 in the Palumbo Plan of Lots, North 86 degrees 30' East a distance of 156.6 feet to an iron at the Northwest corner of Lot No. 7; thence along the Westerly line of Lots No. 7 and 8 in the Palumbo Plan of Lots, South 01 degrees 13' West, a distance of 347.8 feet to an iron pin and place of beginning.

Parcel No.: 0-G03-000-00066

Current/Prior Deed Reference: Deed from Benedetto P. Palumbo and Donna Palumbo, husband and wife to Samuel J. Toney, III and Patricia J. Toney, husband and wife dated 9/26/80 recorded on 10/3/80 at DBV 803, Page 117.





July 26, 2002

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

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

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

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

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

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

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

Exhibit A

HOMEOWNER'S NAME(S):	Patricia J. Toney Samuel J. Toney III
PROPERTY ADDRESS:	17 Mountain Run Road Penfield PA 15849
LOAN ACCT. NO.:	10536069
ORIGINAL LENDER:	EquiCredit
CURRENT LENDER:	Credit Based Asset Servicing and Securitization, LLC

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

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

**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:

**17 Mountain Run Road  
Penfield PA 15849**

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:

Monthly Payments of \$890.04 for March 5, 2002 through July 5, 2002 = \$4450.20

Monthly Late Charges of \$44.50 for March 5, 2002 through July 5, 2002 = \$267.00

Other charges (explain/itemize): Escrow Advance = \$1376.12

**TOTAL AMOUNT PAST DUE: \$6093.32**

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

**HOW TO CURE THE DEFAULT** -- You may cure the default within THIRTY (30) DAYS of the date of this notice **BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$6093.32, 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:

**Mark J. Udren & Associates  
1040 N. Kings Highway, Suite 500  
Cherry Hill, NJ 08034**

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.): N/A

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

made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to **foreclose upon your mortgaged property.**

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

**OTHER LENDER REMEDIES** -- The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage. If your debt has been discharged in bankruptcy without your having reaffirmed it, then lender cannot pursue this remedy.

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

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

**HOW TO CONTACT THE LENDER:**

<b>Name of Lender/Service:</b>	<u>Litton Loan Servicing LP</u>
<b>Address:</b>	<u>P.O. Box 4528</u> <u>Houston TX 77210</u>
<b>Phone Number:</b>	<u>(713) 960-9776</u>
<b>Fax Number:</b>	<u>(713) 966-8844</u>
<b>Contact Person:</b>	<u>Lucy Herrada</u>

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

**ASSUMPTION OF MORTGAGE** -- You may not 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.

## **NOTICE**

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

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

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

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

**YOU MAY ALSO HAVE THE RIGHT:**

- TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
  - TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
  - TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)
  - TO ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS,
  - TO ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE LENDER.
  - TO SEEK PROTECTION UNDER THE FEDERAL BANKRUPTCY LAW.
- 

**CONSUMER CREDIT COUNSELING AGENCIES SERVING YOUR COUNTY**

**CLEARFIELD COUNTY**

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

Indiana Co. Community Action Program  
827 Water Street, Box 187  
Indiana, PA 15701  
(724) 465-2657  
FAX (412) 465-5118

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

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

CCCS of Western PA  
219-A College Park Plaza  
Johnstown PA 15904  
(814) 539-6335  
FAX n/a

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



7001 2510 0004 0564 1161  
 7001 2510 0004 0564 1161



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

**OFFICIAL USE**

Postage	\$ .60	Postmark Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>	

Sent To Samuel J. Toney III  
 Street, Apt. No.,  
 or PO Box No. 17 Mountain Run Road  
 City, State, ZIP+4 Penfield PA 15849

PS Form 3800, January 2001 See Reverse for Instructions

Se 17 Re

234012 Tony B

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Samuel J. Toney III  
77 Mountain Run Road  
Penfield PA 15849

2. Article Number  
(Transfer from service label)

7001 2510 0004 0564 1161

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-0835

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature		<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

**Certified Mail**

- A mailing receipt
- A unique identifier
- A signature upon
- A record of delivery
- Important Reminders
- Certified Mail is
- NO INSURANCE
- For an additional fee, please
- delivery. To obtain Receipt (PS Form 3800, January 2001)
- fee. Endorse mailpiece with a duplicate return receipt.
- For an additional fee, please
- If a postmark or receipt is not needed at the post office, please

**IMPORTANT: Save**

PS Form 3800, January 2001



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

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



---

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

FILED

SEP 05 2002

Atty Pd.  
8:00  
2 cc Shff

William A. Shaw  
Prothonotary

WAS  
24

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

**FILED** No CC  
m/2/04 Atty pd.  
26.00  
OCT 22 2002 Notice to  
both Def.  
William A. Shaw Statem.  
Prothonotary to Atty  
E 22

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


TO THE PROTHONOTARY:

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

As set forth in Complaint	\$100,478.90
Interest Per Complaint	2,601.69
From 7/16/02 to 10/14/02	
Late charges per Complaint	89.00
From 7/16/02 to 10/14/02	
<b>TOTAL</b>	<b>\$103,169.59</b>

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

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 10/22/02

  
PRO PROTHY

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing and  
Securitization, LLC  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Samuel J. Toney III  
Patricia J. Toney  
Defendant(s)

NO. 02-1383-CD

DATED: September 30, 2002  
TO: Samuel J. Toney III  
17 Mountain Run Road  
Penfield, PA 15849

**IMPORTANT NOTICE**

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

LAWYER REFERRAL SERVICE  
David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

**NOTIFICACION IMPORTANTE**

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

SERVICIO DE REFERENCIA LEGAL  
LAWYER REFERRAL SERVICE  
David S. Meholic  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

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

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing and  
Securitization, LLC  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Samuel J. Toney III  
Patricia J. Toney  
Defendant(s)

NO. 02-1383-CD

DATED: September 30, 2002  
TO: Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

**IMPORTANT NOTICE**

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

LAWYER REFERRAL SERVICE  
David S. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

**NOTIFICACION IMPORTANTE**

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

SERVICIO DE REFERENCIA LEGAL  
LAWYER REFERRAL SERVICE  
David S. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

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

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
 and Securitization, LLC  
 4828 Loop Central Drive  
 Houston, TX 77081  
 Plaintiff

COURT OF COMMON PLEAS  
 CIVIL DIVISION  
 Clearfield County  
 MORTGAGE FORECLOSURE

v.  
 Samuel J. Toney III  
 Patricia J. Toney  
 17 Mountain Run Road  
 Penfield, PA 15849  
 Defendant(s)

NO. 02-1383-CD

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF TEXAS :  
 COUNTY OF HARRIS : SS

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

Defendant: Samuel J. Toney III  
 Age: Over 18  
 Residence: As captioned above  
 Employment: Unknown

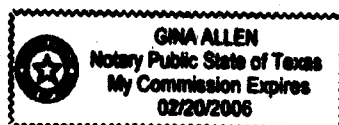
Defendant: Patricia J. Toney  
 Age: Over 18  
 Residence: As captioned above  
 Employment: Unknown

Sworn to and subscribed  
 before me this 12th day  
 of September, 2002.

Gina Allen  
 Notary Public

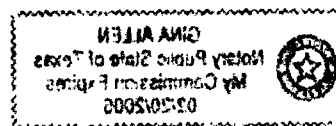
Lucy Hernandez  
 Name: Lucy Hernandez  
 Title: FORECLOSURE SPECIALIST  
 Company: LITTON LOAN SERVICING

Litton Loan Servicing LP  
 Servicer



Handwritten mark or signature in the top right corner.

Notary Public State of Texas  
My Commission Expires  
03/30/2008



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

ATTORNEY FOR PLAINTIFF

COPY

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

TO: Samuel J. Toney III  
17 Mountain Run Road  
Penfield, PA 15849

#### NOTICE

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

*Prothonotary*

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

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-482-6900



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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

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


TO THE PROTHONOTARY:

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

As set forth in Complaint	\$100,478.90
Interest Per Complaint	2,601.69
From 7/16/02 to 10/14/02	
Late charges per Complaint	89.00
From 7/16/02 to 10/14/02	
<b>TOTAL</b>	<b>\$103,169.59</b>

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

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 10/22/02

  
PRO PROTHY

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

ATTORNEY FOR PLAINTIFF

COPY

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

TO: Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

#### NOTICE

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

*Prothonotary*

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

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-482-6900

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

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


TO THE PROTHONOTARY:

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

As set forth in Complaint	\$100,478.90
Interest Per Complaint	2,601.69
From 7/16/02 to 10/14/02	
Late charges per Complaint	89.00
From 7/16/02 to 10/14/02	
<b>TOTAL</b>	<b>\$103,169.59</b>

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

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 10/22/02

  
PRO PROTHY

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

COPY

Credit-Based Asset Servicing and  
Securitization,LLC  
Plaintiff(s)

No.: 2002-01383-CD

Real Debt: \$103,169.59

Atty's Comm:

Vs.

Costs: \$

Int. From:

Samuel J. Toney III  
Patricia J. Toney  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: October 22, 2002

Expires: October 22, 2007

Certified from the record this 22nd 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

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Samuel J. Toney III  
Patricia J. Toney  
Defendant(s)

NO. 02-1383-CD

PRAECIPE TO SUBSTITUTE VERIFICATION


TO THE PROTHONOTARY:

Kindly substitute the attached Verification for the  
Verification attached to the Complaint in Mortgage Foreclosure with  
regard to the captioned matter.

DATED: October 14, 2002

MARK J. UDREN & ASSOCIATES

BY:

  
Mark J. Udren, Esquire  
Attorney for Plaintiff

**FILED**

OCT 22 2002

William A. Shaw  
Prothonotary

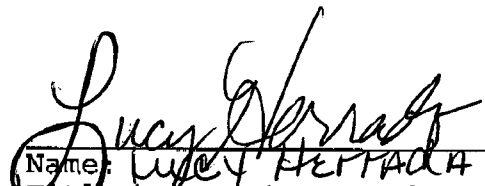
V E R I F I C A T I O N

The undersigned, an officer of the Corporation which is the Plaintiff in the foregoing Complaint or an officer of the Corporation which is the servicing agent of Plaintiff, and being authorized to make this verification on behalf of the Plaintiff, hereby verifies that the facts set forth in the foregoing Complaint are taken from records maintained by persons supervised by the undersigned who maintain the business records of the mortgage held by Plaintiff in the ordinary course of business and that those facts are true and correct to the best of the knowledge, information and belief of the undersigned.

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

Date: \_\_\_\_\_

9/12/02

  
Name: Lucy Hertrich  
Title: Foreclosure Specialist  
Company: LITTON LOAN SERVICING

Samuel J. Toney III  
Patricia J. Toney  
Loan #10536069  
MJU #0234012

A

**FILED**  
no  
M 12:00 PM  
OCT 22 2002  
ec  
W. Shaw  
Prothonotary

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

NO. 02-1383-CD

PRAECIPE FOR WRIT OF EXECUTION

TO THE SHERIFF:

Issue Writ of Execution in the above matter:

Amount due

\$103,169.59

Interest From October 15, 2002

to Date of Sale \_\_\_\_\_

Per diem @\$28.59

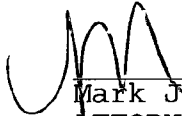
(Costs to be added)

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

Prothonotary Costs

120.00

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED

OCT 22 2002

William A. Shaw  
Prothonotary



Atty pd. 20-00

M 12:16 ~~89~~ 1 cc of lewisite / popa  
OCT 22 2002 desc. to sl. off

**William A. Shaw**  
**Prothonotary**

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

CERTIFICATE TO THE SHERIFF

I HEREBY CERTIFY THAT:

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

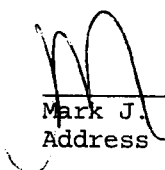
- ☐ A. In Assumpsit (Contract)
- ☐ B. In Trespass (Accident)
- ☒ C. In Mortgage Foreclosure
- ☐ D. On a Note accompanying a purchase money mortgage and the property being exposed to sale is the mortgaged property.

II. The Defendant(s) own 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(s) is (are):

- ☒ 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 is not applicable, state which Defendant is resident of the Commonwealth of Pennsylvania.  
Resident:

  
\_\_\_\_\_  
Mark J. Udren, ESQUIRE  
Address & I.D. # as above

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

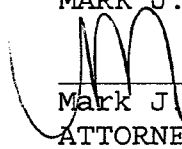
#### C E R T I F I C A T E

Mark J. Udren, Esquire, hereby states that he is the attorney for the Plaintiff in the above-captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- ( ) An FHA insured mortgage
- ( ) Non-owner occupied
- ( ) Vacant
- ( X ) Act 91 procedures have been fulfilled.
- ( ) Over 24 months delinquent.

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

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: Clearfield County

MORTGAGE FORECLOSURE

10

NO. 02-1383-CD

11

3

3 5 1

3

⋮

2

17 Mountain Run Road, Penfield, PA 15849

17 Mountain Run Road, Penfield, PA 15849

1

0

*A*

III

11

51

See Caption above.

Ste. 120, #1, Williamsburgh Place  
Warrendale, PA 15086

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

Name

Address

NONE

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

Name

Address

Real Estate Tax Dept.

1 N. Second St., Ste. 116  
Clearfield, PA 16830

Domestic Relations Section

1 N. Second St., Ste. 116  
Clearfield, PA 16830

Commonwealth of PA,  
Department of Revenue

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

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

Name

Address


Tenants/Occupants

17 Mountain Run Road, Penfield, PA 15849

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

MARK J. UDREN & ASSOCIATES

DATED: October 14, 2002

  
\_\_\_\_\_  
Mark J. Udren, ESQ.

Attorney for Plaintiff

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Samuel J. Toney III  
17 Mountain Run Road  
Penfield, PA 15849

Your house (real estate) at 17 Mountain Run Road, Penfield, PA 15849 is scheduled to be sold at the Sheriff's Sale on \_\_\_\_\_, at 10:00 AM in the Clearfield County Courthouse, 1 N. Second St., Ste. 116, to enforce the court judgment of \$103,169.59, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

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

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

**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 price bid by calling 856-482-6900.

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

3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call 856-482-6900.

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

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

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

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

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

**LAWYER REFERRAL SERVICE**  
David S. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

**ASSOCIATION DE LICENCIADOS DE FILADELFIA**  
David S. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Your house (real estate) at 17 Mountain Run Road, Penfield, PA 15849 is scheduled to be sold at the Sheriff's Sale on \_\_\_\_\_, at 10:00 AM in the Clearfield County Courthouse, 1 N. Second St., Ste. 116, to enforce the court judgment of \$103,169.59, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

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

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



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

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

LAWYER REFERRAL SERVICE  
David S. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

ASSOCIATION DE LICENCIADOS DE FILADELFIA  
David S. Meholick  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641 ext. 5982

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate, lying and being in Huston Twonship, Clearfield County, Pennsylvania, bounded and described as follows; to-wit:

BEGINNING at an iron pin situate in the center of Legislative Route No. 17301, said iron pin also being at the Southwest corner of land now or formerly owned by John Morelli, being Lot No. 8 in the Palumbo Plan of Lots; thence along the centerline of Legislative Route No. 17031, the following courses and distances; North 82 degrees 26' west a distance of 77.76 feet to an iron pin; North 86 degrees 40' 50" West, 62.45 feet to an iron pin thence North 03degrees 00' West a distance of 222.4 feet to an iron pin at the Southerly line of Lot No. 2 in the Palumbo Plan of Lots; thence along the Southerly line of said Lot No. 2 and Lot No. 3 in the Palumbo Plan of Lots, North 86 degrees 30' East a distance of 156.6 feet to an iron at the Northwest corner of Lot No. 7; thence along the Westerly line of Lots No. 7 and 8 in the Palumbo Plan of Lots, South 01 degrees 13' West, a distance of 347.8 feet to an iron pin and place of beginning.

Parcel No.: 0-G03-000-00066

Current/Prior Deed Reference: Deed from Benedetto P. Palumbo and Donna Palumbo, husband and wife to Samuel J. Toney, III and Patricia J. Toney, husband and wife dated 9/26/80 recorded on 10/3/80 at DBV 803, Page 117.

BEING KNOWN AS 17 MOUNTAIN RUN ROAD, PENFIELD, PA 15849.

PROPERTY ID NO. 119-G03-0-66

TITLE TO SAID PREMISES IS VESTED IN SAMUEL J. TONEY, III AND PATRICIA J. TONEY, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETIES BY DEED FROM BENEDETTO P. PALUMBO AND DONNA PALUMBO, HUSBAND AND WIFE, DATED 9/26/1980, RECORDED 10/3/1980, IN DEED BOOK 803, PAGE 117.

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

17 Mountain Run Road  
Penfield, PA 15849  
SEE LEGAL DESCRIPTION ATTACHED

Amount due

\$103,169.59

Interest From October 15, 2002

to Date of Sale \_\_\_\_\_

Per diem @\$28.59

(Costs to be added)

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

By

Prothonotary 1/20.00

Clerk

Date

October 22, 2002

COURT OF COMMON PLEAS  
NO. 02-1383-CD

=====  
Credit-Based Asset Servicing and  
Securitization, LLC

vs.

Samuel J. Toney III  
Patricia J. Toney

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

REAL DEBT \$ 103,169.59

INTEREST \$ \_\_\_\_\_  
from October 15, 2002 to  
Date of Sale \_\_\_\_\_  
Per diem @\$28.59

COSTS PAID:

PROTHY \$ 1200.00


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

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

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

PREMISES TO BE SOLD:

17 Mountain Run Road  
Penfield, PA 15849

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate, lying and being in Huston Twonship, Clearfield County, Pennsylvania, bounded and described as follows; to-wit:

BEGINNING at an iron pin situate in the center of Legislative Route No. 17301, said iron pin also being at the Southwest corner of land now or formerly owned by John Morelli, being Lot No. 8 in the Palumbo Plan of Lots; thence along the centerline of Legislative Route No. 17031, the following courses and distances; North 82 degrees 26' west a distance of 77.76 feet to an iron pin; North 86 degrees 40' 50" West, 62.45 feet to an iron pin thence North 03degrees 00' West a distance of 222.4 feet to an iron pin at the Southerly line of Lot No. 2 in the Palumbo Plan of Lots; thence along the Southerly line of said Lot No. 2 and Lot No. 3 in the Palumbo Plan of Lots, North 86 degrees 30' East a distance of 156.6 feet to an iron at the Northwest corner of Lot No. 7; thence along the Westerly line of Lots No. 7 and 8 in the Palumbo Plan of Lots, South 01 degrees 13' West, a distance of 347.8 feet to an iron pin and place of beginning.

Parcel No.: 0-G03-000-00066

Current/Prior Deed Reference: Deed from Benedetto P. Palumbo and Donna Palumbo, husband and wife to Samuel J. Toney, III and Patricia J. Toney, husband and wife dated 9/26/80 recorded on 10/3/80 at DBV 803, Page 117.

BEING KNOWN AS 17 MOUNTAIN RUN ROAD, PENFIELD, PA 15849.

PROPERTY ID NO. 119-G03-0-66

TITLE TO SAID PREMISES IS VESTED IN SAMUEL J. TONEY, III AND PATRICIA J. TONEY, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETIES BY DEED FROM BENEDETTO P. PALUMBO AND DONNA PALUMBO, HUSBAND AND WIFE, DATED 9/26/1980, RECORDED 10/3/1980, IN DEED BOOK 803, PAGE 117.

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

Sheriff Docket # 13016

CREDIT-BASED ASSET SERVICING & SECURITIZATION

02-1383-CD

VS.

TONEY, SAMUEL J. III & PATRICIA J.

COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW SEPTEMBER 6, 2002 AT 1:45 PM DST SERVED THE WITHIN COMPLAINT  
IN MORTGAGE FORECLOSURE ON SAMUEL J. TONEY III, DEFENDANT AT  
RESIDENCE, 17 MOUNTAIN RUN ROAD, PENFIELD, CLEARFIELD COUNTY,  
PENNSYLVANIA BY HANDING TO SAMUEL J. TONEY III A TRUE AND ATTESTED  
COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE  
KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: RYEN

NOW SEPTEMBER 6, 2002 AT 1:45 PM DST SERVED THE WITHIN COMPLAINT  
IN MORTGAGE FORECLOSURE ON PATRICIA J. TONEY, DEFENDANT AT  
RESIDENCE, 17 MOUNTAIN RUN ROAD, PENFIELD, CLEARFIELD COUNTY,  
PENNSYLVANIA BY HANDING TO SAMUEL J. TONEY III, HUSBAND A TRUE AND  
ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE  
AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: RYEN

**Return Costs**

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

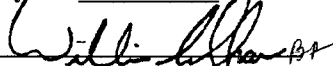
**FILED**

NOV 13 2002


William A. Shaw  
Prothonotary

Sworn to Before Me This

13<sup>th</sup> Day Of November 2002



So Answers,

  
Chester A. Hawkins  
Sheriff

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

Sheriff Docket # 13263

**CREDIT-BASED ASSET SERVICING ET AL**

**02-1383-CD**

**VS.**

**TONEY, SAMUEL J. III**

**WRIT OF EXECUTION REAL ESTATE**

**SHERIFF RETURNS**

**NOW, NOVEMBER 6, 2002 @ 10:00 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 JANUARY 10, 2003 WAS SET.**

**FILED**  
0110:10YB1  
JUL 22 2003  
no  
ECC  
Keb  
William A. Shaw  
Prothonotary

**NOW, NOVEMBER 6, 2002 @ 10:00 A.M. O'CLOCK SERVED PATRICIA J. TONEY,  
DEFENDANT, AT HER RESIDENCE 17 MOUNTAIN RUN ROAD, PENFIELD, CLEARFIELD  
COUNTY, PENNSYLVANIA BY HANDING TO PATRICIA J. TONEY, DEFENDANT, A  
TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF  
SALE, AND COPY OF LEVY AND BY MAKING KNOWN TO HER THE CONTENTS  
THEREOF.**

**NOW, NOVEMBER 6, 2003 @ 10:00 A.M. O'CLOCK SERVED SAMUEL J. TONEY III,  
DEFENDANT, AT HIS RESIDENCE, 17 MOUNTAIN RUN ROAD, PENFIELD,  
CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PATRICIA J. TONEY, WIFE  
/DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION  
NOTICE OF SALE, AND COPY OF LEVY, AND BY MAKING KNOWN TO HER THE  
CONTENTS THEREOF.**

**NOW, JANUARY 9, 2003 RECEIVED A FAX FROM THE PLAINTIFF ATTORNEY TO  
CONTINUE THE SALE TO APRIL 4, 2003 DUE TO BANKRUPTCY FILING.**

**NOW, APRIL 3, 2003 RECEIVED A FAX FROM THE PLAINTIFF ATTORNEY TO  
STAY THE SALE SCHEDULED FOR APRIL 4, 2003 DUE TO BANKRUPTCY FILING.**

**NOW, JUNE, 23, 2003 RECEIVED A LETTER FROM THE PLAINTIFF ATTORNEY TO  
RETURN THE WRIT TO THE PROTHONOTARY.**

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

Sheriff Docket # 13263

CREDIT-BASED ASSET SERVICING ET AL

02-1383-CD

VS.

TONEY, SAMUEL J. III

WRIT OF EXECUTION REAL ESTATE

**SHERIFF RETURNS**

---

NOW, JULY 21, 2003 PAID COSTS WITH ADVANCE AND MADE A REFUND OF THE  
UNUSED ADVANCE TO THE ATTORNEY.

NOW, JULY 22, 2003 RETURN WRIT AS NO SALE HELD. PLAINTIFF ATTORNEY  
REQUESTED WRIT BE RETURNED.

SHERIFF HAWKINS \$200.24

SURCHARGE \$40.00

PAID BY ATTORNEY

Sworn to Before Me This

22<sup>nd</sup> Day Of July 2003



WILLIAM A. SHAW

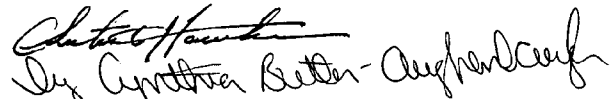
Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

So Answers,



Chester A. Hawkins

Sheriff



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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

17 Mountain Run Road  
Penfield, PA 15849  
SEE LEGAL DESCRIPTION ATTACHED

Amount due \$103,169.59

Interest From October 15, 2002

to Date of Sale \_\_\_\_\_

Per diem @\$28.59

(Costs to be added)

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

By

*William L. Hagan*

Prothonotary #120.00

Clerk

Date October 22, 2002

Received 10/23/02 @ 3:20 p.m.

Chester A. Hawkins

By Cynthia Butler-Aughonough

COURT OF COMMON PLEAS  
NO. 02-1383-CD

=====  
Credit-Based Asset Servicing and  
Securitization, LLC

vs.

Samuel J. Toney III  
Patricia J. Toney

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

REAL DEBT \$ 103,169.59

INTEREST \$ \_\_\_\_\_  
from October 15, 2002 to  
Date of Sale \_\_\_\_\_  
Per diem @\$28.59

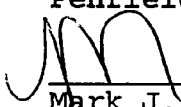
COSTS PAID:  
PROTHY \$ 120.00

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

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

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

PREMISES TO BE SOLD:  
17 Mountain Run Road  
Penfield, PA 15849

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate, lying and being in Huston Twonship, Clearfield County, Pennsylvania, bounded and described as follows; to-wit:

BEGINNING at an iron pin situate in the center of Legislative Route No. 17301, said iron pin also being at the Southwest corner of land now or formerly owned by John Morelli, being Lot No. 8 in the Palumbo Plan of Lots; thence along the centerline of Legislative Route No. 17031, the following courses and distances; North 82 degrees 26' west a distance of 77.76 feet to an iron pin; North 86 degrees 40' 50" West, 62.45 feet to an iron pin thence North 03degrees 00' West a distance of 222.4 feet to an iron pin at the Southerly line of Lot No. 2 in the Palumbo Plan of Lots; thence along the Southerly line of said Lot No. 2 and Lot No. 3 in the Palumbo Plan of Lots, North 86 degrees 30' East a distance of 156.6 feet to an iron at the Northwest corner of Lot No. 7; thence along the Westerly line of Lots No. 7 and 8 in the Palumbo Plan of Lots, South 01 degrees 13' West, a distance of 347.8 feet to an iron pin and place of beginning.

Parcel No.: 0-G03-000-00066

Current/Prior Deed Reference: Deed from Benedetto P. Palumbo and Donna Palumbo, husband and wife to Samuel J. Toney, III and Patricia J. Toney, husband and wife dated 9/26/80 recorded on 10/3/80 at DBV 803, Page 117.

BEING KNOWN AS 17 MOUNTAIN RUN ROAD, PENFIELD, PA 15849.

PROPERTY ID NO. 119-G03-0-66

TITLE TO SAID PREMISES IS VESTED IN SAMUEL J. TONEY, III AND PATRICIA J. TONEY, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETIES BY DEED FROM BENEDETTO P. PALUMBO AND DONNA PALUMBO, HUSBAND AND WIFE, DATED 9/26/1980, RECORDED 10/3/1980, IN DEED BOOK 803, PAGE 117.

# REAL ESTATE SALE SCHEDULE OF DISTRIBUTION

NAME TONEY NO. 02-1383-CD

NOW, , by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on the day of 2002, I exposed the within described real estate of to public venue or outcry at which time and place I sold the same to

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

## SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	10.40
LEVY	15.00
MILEAGE	10.40
POSTING	15.00
CSDS	10.00
COMMISSION 2%	
POSTAGE	4.44
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	15.00

**TOTAL SHERIFF COSTS** 200.24

## DEED COSTS:

ACKNOWLEDGEMENT  
REGISTER & RECORDER  
TRANSFER TAX 2%

**TOTAL DEED COSTS** 0.00

## DEBIT & INTEREST:

DEBT-AMOUNT DUE	103,169.59
INTEREST FROM 10/23/02	
TO BE ADDED TO SALE DATE	

**TOTAL DEBT & INTEREST** 103,169.59

## COSTS:

ATTORNEY FEES	
PROTH. SATISFACTION	
ADVERTISING	400.05
LATE CHARGES & FEES	
TAXES - collector	
TAXES - tax claim	
DUE	
COST OF SUIT -TO BE ADDED	
LIEN SEARCH	100.00
FORCLOSURE FEES/ESCROW DEFICIT	
ACKNOWLEDGEMENT	
DEED COSTS	
ATTORNEY COMMISSION	
SHERIFF COSTS	200.24
LEGAL JOURNAL AD	189.00
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
PROTHONOTARY	120.00
MORTGAGE SEARCH	40.00

**SATISFACTION FEE**  
**ESCROW DEFICIENCY**  
**MUNICIPAL LIEN**

**TOTAL COSTS** 1,049.29

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

**MARK J. UDREN & ASSOCIATES**

1040 NORTH KINGS HIGHWAY  
SUITE 500  
CHERRY HILL, NEW JERSEY 08034  
856 . 482 . 6900  
FAX: 856 . 482 . 1199

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

**FREDDIE MAC.  
PENNSYLVANIA  
DESIGNATED COUNSEL**

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

PLEASE RESPOND TO NEW JERSEY OFFICE

January 9, 2003

Sent via telefax #814-765-5915

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

Re: Credit-Based Asset Servicing and Securitization, LLC  
vs.  
Samuel J. Toney III & Patricia J. Toney  
Clearfield County C.C.P. No. 02-1383-CD  
Premises: 17 Mountain Run Road, Penfield, PA 15849  
SS Date: January 10, 2003

Dear Cindy:

Please Postpone the Sheriff's Sale scheduled for January 10, 2003  
to April 4, 2003.

Sale is postponed for the following reason:

Defendant (s) filed Bankruptcy Chapter 7 on January 8, 2003, in the  
Western District, case no. 03-20254.

Thank you for your attention to this matter.

Sincerely yours,



Mark J. Udren  
MARK J. UDREN & ASSOCIATES

/jlb

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

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

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

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

PLEASE RESPOND TO NEW JERSEY OFFICE

April 3, 2003

Sent via telefax #814-765-5915

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

Re: Credit-Based Asset Servicing and Securitization, LLC  
vs.  
Samuel J. Toney III & Patricia J. Toney  
Clearfield County C.C.P. No. 02-1383-CD  
Premises: 17 Mountain Run Road, Penfield, PA 15849  
SS Date: April 4, 2003

Dear Cindy:

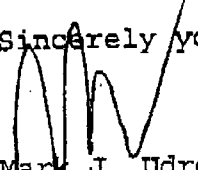
Please Stay the Sheriff's Sale scheduled for April 4, 2003  
(postponed from January 10, 2003).

Sale is stayed for the following reason:

Defendant (s) filed Bankruptcy Chapter 7 on January 8, 2003, in the  
Western District case no. 03-20254.

Thank you for your attention to this matter.

Sincerely yours,

  
Mark J. Udren  
MARK J. UDREN & ASSOCIATES

/jlb

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

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

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

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

PLEASE RESPOND TO NEW JERSEY OFFICE

June 23, 2003

Prothonotary of Clearfield County  
Clearfield County Courthouse  
1 North Second Street  
Suite 116  
Clearfield, PA 16830

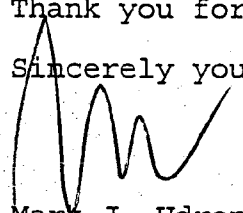
Re: Credit-Based Asset Servicing and Securitization, LLC  
vs.  
Samuel J. Toney III & Patricia J. Toney  
Clearfield County C.C.P. #02-1383-CD

Dear Sir or Madame:

Enclosed please find Praeipce to Return Writ of Execution, from the original sale scheduled on January 10, 2003.

Thank you for your attention to this matter.

Sincerely yours,

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

/jlb

Enclosure  
cc: Clearfield County Sheriff's Office

MARK J. UDREN & ASSOCIATES

ATTORNEY FOR PLAINTIFF

BY: Mark J. Udren, Esquire

ATTY I.D. NO. 04302

1040 N. KINGS HIGHWAY, SUITE 500

CHERRY HILL, NJ 08034

856-482-6900

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 02-1383-CD

FILED

SEP 02 2003

William A. Shaw  
Prothonotary/Clerk of Courts

PRAECIPE TO FILE PROOF OF SERVICE

TO THE PROTHONOTARY:

Kindly file the attached Proofs of Service with regard to the  
captioned matter.

MARK J. UDREN & ASSOCIATES

Date: August 28, 2003

BY:

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff



V65720 80-Bny-61

Credit-Based Asset Servicing and Securitization, LLC, et al,  
Plaintiff(s)

vs.

Samuel J. Toney, III, et al., Defendant(s)



Service of Process by

APS International, Ltd.

1-800-328-7171

APS International Plaza  
7800 Glenway Rd.  
Minneapolis, MN 55439-3122

## AFFIDAVIT OF SERVICE – Individual

Service of Process on:

—Samuel J. Toney

Court Case No. 02-1383-CD

MARK J. UDREN  
Ms. Jodie L. Boos  
1040 North Kings Highway  
Suite 500  
Cherry Hill, NJ 08034State of: 206382462 ss. PACounty of: JEFFERSON ) PA STATE COURTName of Server: JAMES E COLLINS, undersigned, being duly sworn, deposes and says  
CER # 0001931 that at the time of service, s/he was over the age of twenty-one, was not a party to this action;Date/Time of Service: that on the 18 day of Aug, 2003, at 8:35 o'clock P MPlace of Service: at RR8, Box 86, in DuBois, PA 15801Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real PropertyService of Process on: A true and correct copy of the aforesaid document(s) was served on:  
Samuel J. ToneyPerson Served, and Method of Service: ☒ By personally delivering them into the hands of Samuel J. Toney of the person to be served.☐ By delivering them into the hands of \_\_\_\_\_, a person of suitable age and discretion residing at the Place of Service, whose relationship to the person to be served is \_\_\_\_\_Description of Person Receiving Documents: The person receiving documents is described as follows:  
Sex \_\_\_\_; Skin Color \_\_\_\_; Hair Color \_\_\_\_; Facial Hair \_\_\_\_  
Approx. Age \_\_\_\_; Approx. Height \_\_\_\_; Approx. Weight \_\_\_\_☒ To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury that the foregoing is true and correct.

James E Collins 8-19-03  
Signature of Server (Date)

APS International, Ltd.

APS File #: 061328-0001

Subscribed and sworn to before me this

19th day of August, 2003Dolores M. Schmadder  
Notary Public (Commission Expires)NOTARIAL SEAL  
DOLORES M. SCHMADDER, Notary Public  
Clarion Boro, Clarion County  
My Commission Expires Nov. 10, 2008

V65-10 80-8ny-61

Credit-Rental Asset Servicing and Securitization, LLC, et. al.,  
Plaintiff(s)

vs.

Samuel J. Toney, III, et. al., Defendant(s)

Service of Process by  
**APS International, Ltd.**  
1-800-328-7171APS International Plaza  
7800 Glenroy Rd.  
Minneapolis, MN 55439-3123**AFFIDAVIT OF SERVICE - Individual**

Service of Process on:

-Patricia J. Toney  
Court Case No. 02-1383-CDMARK J. UDREN  
Mr. Jodie L. Boos  
1040 North Kings Highway  
Suite 500  
Cherry Hill, NJ 08034State of: 206-38-2462 ) ss. PA.County of: JEFFERSON ) ss. State ConstableName of Server: JAMES E COLLINS, undersigned, being duly sworn, deposes and says  
that at the time of service, s/he was over the age of twenty-one, was not a party to this action;Date/Time of Service: that on the 18 day of AUG, 20 03, at 8:25 o'clock P MPlace of Service: at RRS, Box 86, in Dubois, PA 15801Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:

Person Served, and  
Method of Service:Patricia J. Toney  
☐ By personally delivering them into the hands of the person to be served.  
☒ By delivering them into the hands of Samuel J. Toney, a person of  
suitable age and discretion residing at the Place of Service,  
whose relationship to the person to be served is HUSBANDDescription of Person  
Receiving Documents:

The person receiving documents is described as follows:

Sex \_\_\_\_; Skin Color \_\_\_\_; Hair Color \_\_\_\_; Facial Hair \_\_\_\_  
Approx. Age \_\_\_\_; Approx. Height \_\_\_\_; Approx. Weight \_\_\_\_☒ To the best of my knowledge and belief, said person was not engaged in the US Military at  
the time of service.

Signature of Server:

Undersigned declares under penalty of perjury  
that the foregoing is true and correct.James E. Collins 8-19-03  
Signature of Server (Date)APS International, Ltd.  
APS File #: 061328-0001

Subscribed and sworn to before me this

19th day of August, 2003Dolores M. Schumacher  
Notary Public (Commission Expires)NOTARIAL SEAL  
DOLORES M. SCHUMACHER, Notary Public  
Clarion Boro, Clarion County  
My Commission Expires Nov. 30, 2008

**FILED**  
mlh:30021  
SEP 02 2003  
William A. Shaw  
Prothonotary/Clerk of Courts

MARK J. UDREN & ASSOCIATES

ATTORNEY FOR PLAINTIFF

BY: Mark J. Udren

ATTY. I.D. NO. 04302

1040 N. KINGS HIGHWAY, SUITE 500

CHERRY HILL, NJ 08034

856-482-6900

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

NO. 02-1383-CD

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

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

1. A copy of the Notice of Sheriff's Sale, a true and correct copy of which is attached hereto as Exhibit "A", was sent to every recorded lienholder and every other interested party known as of the date of the filing of the Praecipe for the Writ of Execution, on the date(s) appearing on the attached Certificates of Mailing.

2. A Notice of Sheriff's Sale was sent to Defendant(s) by regular mail and certified mail on the date appearing on the attached Return Receipt, which was signed for by Defendant(s) on the date specified on the said Return Receipt. Copies of the said Notice and Return Receipt are attached hereto as Exhibit "B".

3. If a Return Receipt is not attached hereto, then service was by personal service on the date specified on the attached Return of Service, attached hereto as Exhibit "B".

4. If service was by Order of Court, then proof of compliance with said Order is attached hereto as Exhibit "B".

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

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

Dated: December 30, 2002

**FILED**

JAN 06 2003

William A. Shaw  
Prethenotary

MARK J. UDREN & ASSOCIATES

BY:

Mark J. Udren, Esquire  
Attorney for Plaintiff

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: Clearfield County

MORTGAGE FORECLOSURE

•

NO. 02-1383-CD

—

:

—

2

—

—

8

•

d

37

—

2

2

7

7

10

A

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

Name	Address
------	---------

NONE

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

Name	Address
------	---------

Real Estate Tax Dept.	1 N. Second St., Ste. 116 Clearfield, PA 16830
-----------------------	---

Domestic Relations Section	1 N. Second St., Ste. 116 Clearfield, PA 16830
----------------------------	---

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

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

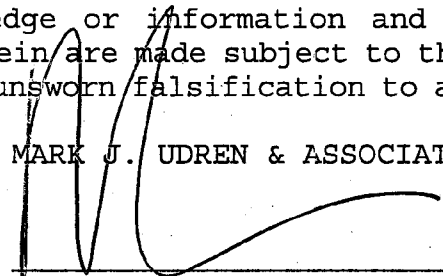
Name	Address
------	---------

Tenants/Occupants	17 Mountain Run Road, Penfield, PA 15849
-------------------	--

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

MARK J. UDREN & ASSOCIATES

DATED: DECEMBER 30, 2002

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

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 02-1383-CD

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

DATE: November 14, 2002

TO: ALL PARTIES IN INTEREST AND CLAIMANTS

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

OWNER(S): SAMUEL J. TONEY, III & PATRICIA J. TONEY

PROPERTY: 17 Mountain Run Road, Penfield, PA 15849

Improvements: RESIDENTIAL DWELLING

The above captioned property is scheduled to be sold at the Clearfield County Sheriff's Sale on JANUARY 10, 2003, at 10:00 AM, IN THE CLEARFIELD COUNTY COURTHOUSE, 1 NORTH SECOND STREET, SUITE 116, CLEARFIELD, PA. Our records indicate that you may hold a mortgage or judgment on the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

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

EXHIBIT A

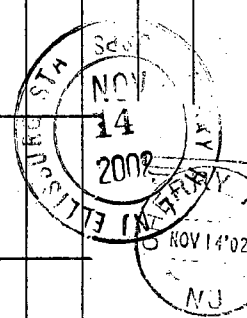
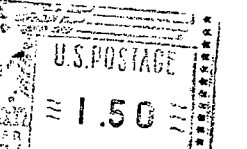
Name and Address of Sender  
**JODIE**  
 LAW OFFICES OF MARK J. UDREN & ASSOCIATES  
 1040 N. KINGS HIGHWAY, SUITE 500  
 CHERRY HILL, NJ 08034

☐ Registered  
☐ Insured  
☐ COD  
☐ Certified  
☐ Return Receipt for Merchandise  
☐ Int'l Recorded Del.  
☐ Express Mail

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

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

Postmark and Date of Receipt

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R.R. Fee	S.D. Fee	Stamps	Rst. Del. Fee	Remarks
1	1	TONERY											
2	0234012	CLEARFIELD COUNTY TAX CLAIM BUREAU 1 NORTH SECOND STREET, SUITE 116, CLEARFIELD, PA 16830											
3		DOMESTIC RELATIONS SECTION 1 NORTH SECOND STREET, SUITE 116, CLEARFIELD, PA 16830											
4		COMMONWEALTH OF PA, DEPT. OF REVENUE, BUREAU OF COMPLIANCE, DEPT. 280946, HARRISBURG, PA 17128-0946											
5		TENANTS/OCCUPANTS 17 MOUNTAIN RUN ROAD, PENFIELD, PA 15849											
6		CHRYSLER FIRST CONSUMER DISCOUNT CO. STE. 120 #1, WILLIAMSBURG PLACE, WARRENDALE, PA 15086											
7													
8													
9													
10													
11													
12													
13													
14													
15													
Total number of Pieces Listed by Sender		5	Total Number of Pieces Received at Post Office		5	Postmaster, Per (Name of Receiving Employee)		 					

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



# NAME AND ADDRESS OF ADDRESSEE

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

## 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 bill)

Date of Receipt

Addressee Name, Street, and PO Address

Postage

Fee

Handling Charge

Actual Value if Registered

Insured Value

Due Sender if COD

DC Fee

SC Fee

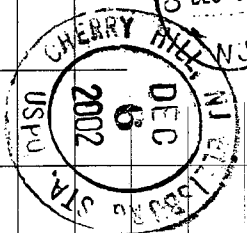
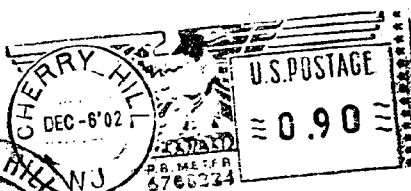
SH Fee

RD Fee

RR Fee

EXHIBIT A

Autism Vaccine Medical Center  
PO Box 447 Dubois WA 99011



Delivery Confirmation

Signature Confirmation

Special Handling

Restricted Delivery

Return Receipt

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)

PS Form 3877, August 2000

Complete by Typewriter, Ink, or Ball Point Pen

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$500 per piece subject to additional limitations for multiple pieces lost or damages in a single catastrophic occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500, but optional Express Mail Service merchandise insurance is available for up to \$5,000 to some, but not all countries. The maximum indemnity payable is \$25,000 for registered mail. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.

FILED  
JAN 06 2003  
11:28 AM  
cc

William A. Shaw  
Prothonotary

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

PRAECIPE TO REISSUE WRIT OF EXECUTION

TO THE SHERIFF:

Reissue Writ of Execution in the above matter:

Amount due

\$103,169.59

Interest From October 15, 2002

to Date of Sale

Per diem @\$28.59


(Costs to be added)

\$

Prothonotary costs

127.00

MARK J. UDREN & ASSOCIATES

  
Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED

MAY 30 2003

William A. Shaw  
Prothonotary

FILED

MAY 11 3 46 PM '03

MAY 30 2003

William A. Shaw  
Prothonotary

cc Staff  
to units w/ prop. description

Atty pd 7.00

*(Signature)*

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 02-1383-CD

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

17 Mountain Run Road  
Penfield, PA 15849  
SEE LEGAL DESCRIPTION ATTACHED

Amount due \$103,169.59

Interest From October 15, 2002  
to Date of Sale \_\_\_\_\_  
Per diem @\$28.59

(Costs to be added) \$ \_\_\_\_\_

Prothonotary costs

127.00

Prothonotary

By \_\_\_\_\_

Clerk

5-30-03 Document  
Reinstated/Reissued to Sheriff/Agency  
for service.

Deputy Prothonotary

Date 5/30/03

COURT OF COMMON PLEAS  
NO. 02-1383-CD

=====  
Credit-Based Asset Servicing and  
Securitization, LLC

vs.

Samuel J. Toney III  
Patricia J. Toney

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

REAL DEBT \$ 103,169.59

INTEREST \$  
from October 15, 2002 to  
Date of Sale  
Per diem @\$28.59

COSTS PAID:

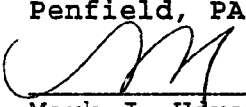
PROTHY \$

SHERIFF \$

STATUTORY \$

COSTS DUE PROTHY. \$ 127.00

PREMISES TO BE SOLD:  
17 Mountain Run Road  
Penfield, PA 15849

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

for service  
to be made to Sheriff's Office  
for service

County of York

EXHIBIT "A"  
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate, lying and being in Huston Twonship, Clearfield County, Pennsylvania, bounded and described as follows; to-wit:

BEGINNING at an iron pin situate in the center of Legislative Route No. 17301, said iron pin also being at the Southwest corner of land now or formerly owned by John Morelli, being Lot No. 8 in the Palumbo Plan of Lots; thence along the centerline of Legislative Route No. 17031, the following courses and distances; North 82 degrees 26' west a distance of 77.76 feet to an iron pin; North 86 degrees 40' 50" West, 62.45 feet to an iron pin thence North 03degrees 00' West a distance of 222.4 feet to an iron pin at the Southerly line of Lot No. 2 in the Palumbo Plan of Lots; thence along the Southerly line of said Lot No. 2 and Lot No. 3 in the Palumbo Plan of Lots, North 86 degrees 30' East a distance of 156.6 feet to an iron at the Northwest corner of Lot No. 7; thence along the Westerly line of Lots No. 7 and 8 in the Palumbo Plan of Lots, South 01 degrees 13' West, a distance of 347.8 feet to an iron pin and place of beginning.

Parcel No.: 0-G03-000-00066

Current/Prior Deed Reference: Deed from Benedetto P. Palumbo and Donna Palumbo, husband and wife to Samuel J. Toney, III and Patricia J. Toney, husband and wife dated 9/26/80 recorded on 10/3/80 at DBV 803, Page 117.

BEING KNOWN AS 17 MOUNTAIN RUN ROAD, PENFIELD, PA 15849.

PROPERTY ID NO. 119-G03-0-66

TITLE TO SAID PREMISES IS VESTED IN SAMUEL J. TONEY, III AND PATRICIA J. TONEY, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETIES BY DEED FROM BENEDETTO P. PALUMBO AND DONNA PALUMBO, HUSBAND AND WIFE, DATED 9/26/1980, RECORDED 10/3/1980, IN DEED BOOK 803, PAGE 117.

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
NO. 02-1383-CD

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849  
Defendant(s)

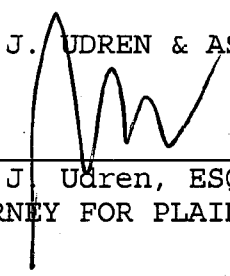
PRAECIPE TO RETURN WRIT OF EXECUTION

TO THE SHERIFF:

Kindly return the Writ of Execution to Mark J. Udren & Associates  
with regard to the referenced matter.

MARK J. UDREN & ASSOCIATES

DATED: June 23, 2003

  
\_\_\_\_\_  
Mark J. Udren, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED

JUN 27 2003

William A. Shaw  
Prothonotary



FILED

No cc

01135/01  
JUN 27 2003

Atty indicated  
that he sent copy  
to Shif

William A. Shaw  
Prothonotary

MARK J. UDREN & ASSOCIATES

BY: Mark J. Udren

ATTY I.D. NO. 04302

1040 N. KINGS HIGHWAY, SUITE 500

CHERRY HILL, NJ 08034

856-482-6900

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849  
Defendant(s)

NO. 02-1383-CD

FILED

SEP 24 2003

*W.A. Shaw*  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. 02-1383-CD

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

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

1. A copy of the Notice of Sheriff's Sale, a true and correct copy of which is attached hereto as Exhibit "A", was sent to every recorded lienholder and every other interested party known as of the date of the filing of the Praecipe for the Writ of Execution, on the date(s) appearing on the attached Certificates of Mailing.

2. A Notice of Sheriff's Sale was sent to Defendant(s) by regular mail and certified mail on the date appearing on the attached Return Receipt, which was signed for by Defendant(s) on the date specified on the said Return Receipt. Copies of the said Notice and Return Receipt are attached hereto as Exhibit "B".

3. If a Return Receipt is not attached hereto, then service was by personal service on the date specified on the attached Return of Service, attached hereto as Exhibit "B".

4. If service was by Order of Court, then proof of compliance with said Order is attached hereto as Exhibit "B".

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

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

Dated: September 15, 2003

MARK J. UDREN & ASSOCIATES

BY:

*Mark J. Udren*  
Mark J. Udren, Esquire  
Attorney for Plaintiff

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 02-1383-CD

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849  
Defendant(s)

DATE: July 31, 2003

TO: ALL PARTIES IN INTEREST AND CLAIMANTS

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

OWNER(S): Samuel J. Toney III and Patricia J. Toney

PROPERTY: 17 Mountain Run Road  
Penfield, PA 15849

Improvements: RESIDENTIAL DWELLING

The above captioned property is scheduled to be sold at the Clearfield County Sheriff's Sale on September 5, 2003, at 10:00 AM, in the Clearfield County Courthouse, 1 North Second Street, Suite 116. Our records indicate that you may hold a mortgage or judgment on the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

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

EXHIBIT A.

Name and Address of Sender

Law Offices  
Mark J. Udren & Assoc.  
1040 N. Kings Highway, Suite 500  
Cherry Hill, NJ 08034

☐ Registered  
☐ Insured  
☐ COD  
☐ Certified  
☐ Return Receipt for Merchandise  
☐ Int'l Recorded Del.  
☐ Express Mail

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

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



Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regs.)	Insured Value	Due Sender If COD	R.R. Fee	S.D. Fee	S.H. Fee	Rate-Del. Fee	Remarks
1	Toney	Dubois Regional Medical Center, PO Box 447, Dubois, IA 15801											
2	0234012	Chrysler First Consumer Discount Co., Suite 120, #1 Williamsburg, Place, Warrendale, PA 15086											
3	Clearfield	Real Estate Tax Dept., 1 N. Second St., Ste 116 Clearfield, PA 16830											
4	Jodie	Domestic Relations Section, 1 N. Second St., Ste 116 Clearfield, PA 16830											
5		Commonwealth of PA, Dept. of Revenue, Bureau of Compliance, Dept. 280946, Harrisburg, PA 17128-0946											
6		Tenants/Occupants, 17 Mountain Run Rd., Penfield, PA 15849											
7													
8													
9													
10													
11													
12													
13													
14													
15													
Total number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and forth class parcels.								

PS Form 3877, February 1994

Form Must be Completed by Typewriter, Ink or Ball Point Pen

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 02-1383-CD

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

PRAECIPE TO FILE PROOF OF SERVICE

TO THE PROTHONOTARY:

Kindly file the attached Proofs of Service with regard to the  
captioned matter.

MARK J. UDREN & ASSOCIATES

Date: August 28, 2003

BY:

Mark J. Udren, ESQUIRE  
Attorney for Plaintiff

**EXHIBIT B**

Credit-Based Asset Servicing and Securitization, LLC, et al.,  
Plaintiff(s)  
vs.  
Samuel J. Toney, III, et al., Defendant(s)



Service of Process by  
**APS International, Ltd.**  
**1-800-328-7171**

APS International Plaza  
7800 Glenway Rd.  
Minneapolis, MN 55439-3122

### AFFIDAVIT OF SERVICE – Individual

MARK J. UDREN  
Mr. Jodie L. Boos  
1040 North Kings Highway  
Suite 900  
Cherry Hill, NJ 08034

Service of Process on:

—Samuel J. Toney  
Court Case No. 02-1383-CD

State of: 206382462 ) ss. PA  
County of: JEFFERSON ) PA STATE CAUSE

Name of Server: JAMES E COLLINS, undersigned, being duly sworn, deposes and says  
CER # B001931 that at the time of service, s/he was over the age of twenty-one, was not a party to this action;

Date/Time of Service: that on the 18 day of Aug, 2003, at 8:25 o'clock P M

Place of Service: at RR2, Box 86, in Dahls, PA 15801

Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:  
Samuel J. Toney

Person Served, and Method of Service: ☒ By personally delivering them into the hands of the person to be served.

☐ By delivering them into the hands of \_\_\_\_\_, a person of suitable age and discretion residing at the Place of Service, whose relationship to the person to be served is \_\_\_\_\_

Description of Person The person receiving documents is described as follows:

Receiving Documents: Sex \_\_\_\_; Skin Color \_\_\_\_; Hair Color \_\_\_\_; Facial Hair \_\_\_\_  
Approx. Age \_\_\_\_; Approx. Height \_\_\_\_; Approx. Weight \_\_\_\_

☒ To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury that the foregoing is true and correct.

James E Collins 8-19-03  
Signature of Server (Date)

APS International, Ltd.

APS File #: 061328-0001

Subscribed and sworn to before me this

19th day of August, 2003

Dolores M. Schwader  
Notary Public (Commission Expires)

NOTARIAL SEAL  
DOLORES M. SCHWADER, Notary Public  
Clarion Boro, Clarion County  
My Commission Expires Nov. 10, 2008

EXHIBIT B

Credit-Based Asset Servicing and Securitization, LLC, et. al.,  
Plaintiff(s)vs.  
Samuel J. Toney, III, et. al., Defendant(s)Service of Process by  
APS International, Ltd.  
1-800-328-7171APS International Plaza  
7800 Glenroy Rd.  
Minneapolis, MN 55439-3122

## AFFIDAVIT OF SERVICE – Individual

Service of Process on:

—Patricia J. Toney  
Court Case No. 02-1383-CDMARK J. UDREN  
Mt. Jodie L. Hoos  
1040 North Kings Highway  
Suite 500  
Cherry Hill, NJ 08034State of: 206-38-2462 ) ss. PA.County of: JEFFERSON ) Pa. State ConstableName of Server: JAMES E COLLINS, undersigned, being duly sworn, deposes and says  
that at the time of service, s/he was over the age of twenty-one, was not a party to this action;Date/Time of Service: that on the 18 day of Aug., 20 03, at 8:25 o'clock P MPlace of Service: at R.R. Box 86, in DuBois, PA 15801Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:

Person Served, and  
Method of Service: Patricia J. Toney Samuel J. Toney  
☐ By personally delivering them into the hands of the person to be served.☒ By delivering them into the hands of Samuel J. Toney, a person of  
suitable age and discretion residing at the Place of Service,  
whose relationship to the person to be served is HUSBANDDescription of Person  
Receiving Documents: The person receiving documents is described as follows:Sex \_\_\_\_; Skin Color \_\_\_\_; Hair Color \_\_\_\_; Facial Hair \_\_\_\_  
Approx. Age \_\_\_\_; Approx. Height \_\_\_\_; Approx. Weight \_\_\_\_☒ To the best of my knowledge and belief, said person was not engaged in the US Military at  
the time of service.Signature of Server: Undersigned declares under penalty of perjury  
that the foregoing is true and correct.James E Collins 8-19-03  
Signature of Server (Date)APS International, Ltd.  
APS File #: 061328-0001

Subscribed and sworn to before me this

19th day of August, 2003Dolores M. Schraeder  
Notary Public (Commission Expires)NOTARIAL SEAL  
DOLores M. SCHRAEDER, Notary Public  
Clarion Boro, Clarion County  
My Commission Expires Nov. 10, 2005

EXHIBIT

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

Sheriff Docket # 14356

CREDIT-BASED ASSET SERVICING AND SECURITIZATION, LLC

02-1383-CD

VS.

TONEY, SAMUEL J. III

WRIT OF EXECUTION      REAL ESTATE

**SHERIFF RETURNS**

---

NOW, AUGUST 11, 2003 @ 1:50 P.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 SEPTEMBER 5, 2003 WAS SET.

NOW, AUGUST 18, 2003 @ 8:25 P.M. O'CLOCK PA STATE CONSTABLE JAMES E. COLLINS SERVED PATRICIA J. TONEY, DEFENDANT, AT RR #8, BOX 86, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SAMUEL J. TONEY, III HUSBAND/DEFENDANT, A NOTICE OF SHERIFF'S SALE AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, AUGUST 18, 2003 @ 8:25 P.M. O'CLOCK PA STATE CONSTABLE JAMES E. COLLINS SERVED TONEY, III, DEFENDANT, AT RR #8, BOX 86, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SAMUEL J. TONEY, III, DEFENDANT A NOTICE OF SHERIFF'S SALE AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

AUGUST 19, 2003 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF'S SALE FOR 30 DAYS TO OCTOBER 10, 2003.

NOW, AUGUST 23, 2003 SERVED PATRICIA J. TONEY, DEFENDANT BY CERTIFIED AND REGULAR MAIL TO RR #8, BOX 86, DUBOIS, CLEARFIELD COUNTY PENNSYLVANIA WITH NOTICE OF SHERIFF'S SALE, A COPY OF THE ORIGINAL WRIT OF EXECUTION, AND COPY OF THE LEVY, SIGNED FOR BY SAMUEL J. TONEY, III, HUSBAND/DEFENDANT.

**FILED**  
DEC 16 2003

William A. Shaw  
Prothonotary/Clerk of Courts



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

Sheriff Docket # 14356

CREDIT-BASED ASSET SERVICING AND SECURITIZATION, LLC

02-1383-CD

VS.

TONEY, SAMUEL J. III

WRIT OF EXECUTION      REAL ESTATE

**SHERIFF RETURNS**

---

NOW, AUGUST 23, 2003 SERVED SAMUEL J. TONEY, III, DEFENDANT BY  
CERTIFIED AND REGULAR MAIL TO RR #8, BOX 86, DUBOIS, CLEARFIELD COUNTY  
PENNSYLVANIA WITH NOTICE OF SHERIFF'S SALE, A COPY OF THE ORIGINAL  
WRIT OF EXECUTION, AND COPY OF THE LEVY, SIGNED FOR BY SAMUEL J.  
TONEY, III, DEFENDANT.

NOW, OCTOBER 10, 2003 A SALE WAS HELD ON THE PROPERTY OF THE  
DEFENDANTS. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR  
\$1.00 + COSTS.

NOW, OCTOBER 20, 2003 BILLED ATTORNEY FOR COSTS DUE.

NOW, OCTOBER 29, 2003 RECEIVED CHECK FROM THE ATTORNEY.

NOW, DECEMBER 16, 2003 PAID COSTS.

NOW, DECEMBER 16, 2003 RETURN WRIT AS A SALE BEING HELD ON THE  
PROPERTY OF THE DEFENDANT. THE PROPERTY WAS PURCHASED BY THE  
PLAINTIFF FOR \$1.00 + COSTS.

NOW, DECEMBER 16, 2003 A DEED WAS FILED.

SHERIFF HAWKINS \$237.65

SURCHARGE \$40.00

PAID BY ATTORNEY

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

Sheriff Docket # 14356

CREDIT-BASED ASSET SERVICING AND SECURITIZATION, LLC

02-1383-CD

VS.

TONEY, SAMUEL J. III

WRIT OF EXECUTION

REAL ESTATE

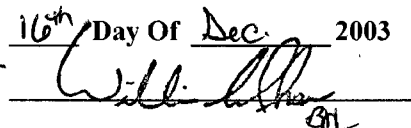
**SHERIFF RETURNS**

---

---

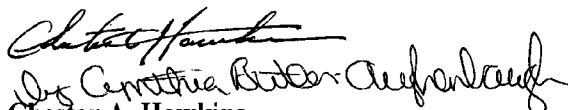
Sworn to Before Me This

16<sup>th</sup> Day Of Dec. 2003



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

So Answers,



Chester A. Hawkins

Sheriff

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

ATTORNEY FOR PLAINTIFF

Credit-Based Asset Servicing  
and Securitization, LLC  
4828 Loop Central Drive  
Houston, TX 77081

Plaintiff

v.

Samuel J. Toney III  
Patricia J. Toney  
17 Mountain Run Road  
Penfield, PA 15849

Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

NO. 02-1383-CD

WRIT OF EXECUTION

TO THE SHERIFF OF Clearfield COUNTY:

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

17 Mountain Run Road  
Penfield, PA 15849  
SEE LEGAL DESCRIPTION ATTACHED

Amount due \$103,169.59

Interest From October 15, 2002  
to Date of Sale \_\_\_\_\_  
Per diem @\$28.59

(Costs to be added)

\$ 127.00

Prothonotary costs

Prothonotary

By

Clerk

5-30-03 Document  
~~Reinstated/Reissued to Sheriff/Attorney~~  
for service.

Willi L. Hansen  
Deputy Prothonotary

Date 5/30/03

Received 5-30-03 @ 3:15 P.m.

Chester A. Hanks  
By Cynthia Butler-Aughenbaugh

14

EXHIBIT "A"  
LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate, lying and being in Huston Twonship, Clearfield County, Pennsylvania, bounded and described as follows; to-wit:

BEGINNING at an iron pin situate in the center of Legislative Route No. 17301, said iron pin also being at the Southwest corner of land now or formerly owned by John Morelli, being Lot No. 8 in the Palumbo Plan of Lots; thence along the centerline of Legislative Route No. 17031, the following courses and distances; North 82 degrees 26' west a distance of 77.76 feet to an iron pin; North 86 degrees 40' 50" West, 62.45 feet to an iron pin thence North 03degrees 00' West a distance of 222.4 feet to an iron pin at the Southerly line of Lot No. 2 in the Palumbo Plan of Lots; thence along the Southerly line of said Lot No. 2 and Lot No. 3 in the Palumbo Plan of Lots, North 86 degrees 30' East a distance of 156.6 feet to an iron at the Northwest corner of Lot No. 7; thence along the Westerly line of Lots No. 7 and 8 in the Palumbo Plan of Lots, South 01 degrees 13' West, a distance of 347.8 feet to an iron pin and place of beginning.

Parcel No.: 0-G03-000-00066

Current/Prior Deed Reference: Deed from Benedetto P. Palumbo and Donna Palumbo, husband and wife to Samuel J. Toney, III and Patricia J. Toney, husband and wife dated 9/26/80 recorded on 10/3/80 at DBV 803, Page 117.

BEING KNOWN AS 17 MOUNTAIN RUN ROAD, PENFIELD, PA 15849.

PROPERTY ID NO. 119-G03-0-66

TITLE TO SAID PREMISES IS VESTED IN SAMUEL J. TONEY, III AND PATRICIA J. TONEY, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETIES BY DEED FROM BENEDETTO P. PALUMBO AND DONNA PALUMBO, HUSBAND AND WIFE, DATED 9/26/1980, RECORDED 10/3/1980, IN DEED BOOK 803, PAGE 117.

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME      TONEY II                      NO.      02-1383-CD

NOW,      October 10, 2003      , by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on the      10TH      day of      OCTOBER      2003, I exposed the within described real estate of      SAMUEL J. TONEY III AND PATRICIA J. TONEY      to public venue or outcry at which time and place I sold the same to      CREDIT-BASED ASSET SERVICING AND SECURITIZATION, LLC      he/she being the highest bidder, for the sum of      \$1.00 + COSTS      and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	11.52
LEVY	15.00
MILEAGE	11.52
POSTING	15.00
CSDS	10.00
COMMISSION 2%	
POSTAGE	14.11
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	9.50
<b>TOTAL SHERIFF COSTS</b>	<b>237.65</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	28.50
TRANSFER TAX 2%	
<b>TOTAL DEED COSTS</b>	<b>28.50</b>

**PLAINTIFF COSTS, DEBT & INTEREST:**

DEBT-AMOUNT DUE	103,169.59
INTEREST FROM 10/15/02	
TO BE ADDED TO SALE DATE	
ATTORNEY FEES	
PROTH. SATISFACTION	
LATE CHARGES & FEES	
COST OF SUIT -TO BE ADDED	
FORECLOSURE FEES/ESCROW DEFICIT	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
SATISFACTION FEE	
ESCROW DEFICIENCY	
<b>TOTAL DEBT &amp; INTEREST</b>	<b>103,169.59</b>

**COSTS:**

ADVERTISING	406.98
TAXES - collector TO 12/5/03	1,698.13
TAXES - tax claim NONE	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	237.65
LEGAL JOURNAL AD	198.00
PROTHONOTARY	127.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	

**TOTAL COSTS      2,841.76**

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

Credit-Based Asset Servicing and Securitization, LLC, et al,  
Plaintiff(s)vs.  
Samuel J. Toney, III, et al., Defendant(s)Service of Process by  
**APS International, Ltd.**  
**1-800-328-7171**APS International Plaza  
7800 Glenway Rd.  
Minneapolis, MN 55439-3122**AFFIDAVIT OF SERVICE – Individual**

Service of Process on:

—Samuel J. Toney  
Court Case No. 02-1383-CD

MARK J. UDREN  
Ms. Jodie L. Boos  
1040 North Kings Highway  
Suite 500  
Cherry Hill, NJ 08034

State of: 20638-2462 ) ss. PA  
County of: JEFFERSON ) PA STATE CONSTABLE

Name of Server: JAMES E COLLINS, undersigned, being duly sworn, deposes and says  
Cer. # PA001931 that at the time of service, s/he was over the age of twenty-one, was not a party to this action;

Date/Time of Service: that on the 18 day of Aug, 2003, at 8:25 o'clock P M

Place of Service: at RR2, Box 86, in Dahlg, PA 15801

Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:  
Samuel J. Toney

Person Served, and Method of Service: ☒ By personally delivering them into the hands of the person to be served.

☐ By delivering them into the hands of \_\_\_\_\_, a person of suitable age and discretion residing at the Place of Service, whose relationship to the person to be served is \_\_\_\_\_

Description of Person Receiving Documents: The person receiving documents is described as follows:  
Sex \_\_\_\_\_; Skin Color \_\_\_\_\_; Hair Color \_\_\_\_\_; Facial Hair \_\_\_\_\_  
Approx. Age \_\_\_\_\_; Approx. Height \_\_\_\_\_; Approx. Weight \_\_\_\_\_  
☒ To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury that the foregoing is true and correct.

James E. Collins 8-19-03  
Signature of Server (Date)

Subscribed and sworn to before me this

19th day of August, 2003

Dolores M. Schneider  
Notary Public (Commission Expires)

APS International, Ltd.  
APS File #: 061328-0001

NOTARIAL SEAL  
DOLORES M. SCHNADER, Notary Public  
Clarion Boro, Clarion County  
My Commission Expires Nov. 10, 2008

Credit-Based Asset Servicing and Securitization, LLC, et. al,  
Plaintiff(s)

vs.

Samuel J. Toney, III, et. al., Defendant(s)



Service of Process by  
**APS International, Ltd.**  
**1-800-328-7171**

APS International Plaza  
7800 Glenroy Rd.  
Minneapolis, MN 55439-3122

## AFFIDAVIT OF SERVICE – Individual

Service of Process on:

—Patricia J. Toney  
Court Case No. 02-1383-CD

MARK J. UDREN

Mr. Jodie L. Boos

1040 North Kings Highway

Suite 500

Cherry Hill, NJ 08034

State of: 206-38-2462 ) ss. PA.

County of: JEFFERSON ) Pa. State Constable

Name of Server:  
CERT # 8001931

JAMES E COLLINS

, undersigned, being duly sworn, deposes and says  
that at the time of service, s/he was over the age of twenty-one, was not a party to this action;

Date/Time of Service: that on the 18 day of Aug, 2003, at 5:25 o'clock PM

Place of Service: at RR8, Box 26, in Parish, PA 15881

Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:

Patricia J. Toney

Person Served, and  
Method of Service:

☐ By personally delivering them into the hands of the person to be served.

☒ By delivering them into the hands of SAMUEL J. Toney, a person of  
suitable age and discretion residing at the Place of Service,  
whose relationship to the person to be served is HUSBAND

Description of Person The person receiving documents is described as follows:

Receiving Documents:

Sex \_\_\_\_; Skin Color \_\_\_\_; Hair Color \_\_\_\_; Facial Hair \_\_\_\_

Approx. Age \_\_\_\_; Approx. Height \_\_\_\_; Approx. Weight \_\_\_\_

☒ To the best of my knowledge and belief, said person was not engaged in the US Military at  
the time of service.

Signature of Server: Undersigned declares under penalty of perjury  
that the foregoing is true and correct.

James E Collins 8-19-03  
Signature of Server (Date)

APS International, Ltd.

APS File #: 061328-0001

Subscribed and sworn to before me this

19th day of August, 2003

Dolores M. Schraeder  
Notary Public (Commission Expires)

NOTARIAL SEAL  
DOLores M. SCHRAEDER, Notary Public  
Clarion Boro, Clarion County  
My Commission Expires Nov. 18, 2005

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Patricia J. Toney  
R. R. #8, Box 86  
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent  
X Samuel J. Toney  
B. Received by (Printed Name) ☐ Addressee  
Samuel J. Toney C. Date of Delivery  
8-23-03  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.  
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
(Transfer from service label) 7002 2410 0003 7224 1524

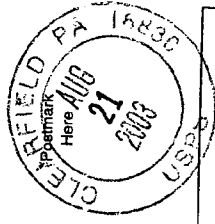
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

U.S. Postal Service<sup>TM</sup>  
CERTIFIED MAIL<sup>TM</sup> RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage \$ 60  
Certified Fee  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$ 4.65



Sent To Patricia J. Toney  
Street, Apt. No. RR 8, Box 86  
or PO Box No.  
City, State, ZIP+4 DuBois, PA 15801  
PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Samuel J. Toney III  
RR 8, Box 86  
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent  
X Samuel J. Toney  
B. Received by (Printed Name) ☐ Addressee  
Samuel J. Toney C. Date of Delivery  
8-23-03  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.  
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
(Transfer from service label) 7002 2410 0003 7224 1531

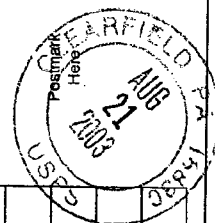
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1

U.S. Postal Service<sup>TM</sup>  
CERTIFIED MAIL<sup>TM</sup> RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

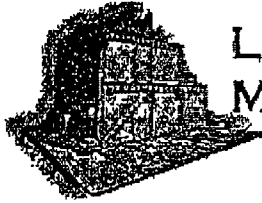
OFFICIAL USE

Postage \$ 60  
Certified Fee  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$ 4.65



Sent To Samuel J. Toney III  
Street, Apt. No. RR 8, Box 86  
or PO Box No.  
City, State, ZIP+4 DuBois, PA 15801  
PS Form 3800, June 2002 See Reverse for Instructions

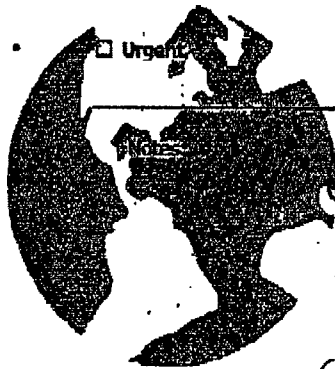


**LAW OFFICES OF  
MARK J. UDREN & ASSOCIATES**1040 N. KINGS HIGHWAY SUITE 500 CHERRY HILL, NJ 08034  
(856) 482-6900 VOICE - (856) 482-1199 FAXPENNSYLVANIA OFFICE  
24 NORTH MERION AVE.  
SUITE 240  
BETH LEAH, PA. 19008  
(215) 266-2600 VOICE  
(215) 266-1141 FAX

PLEASE SEND ALL RESPONSES TO THE NEW JERSEY OFFICE

FREDIE MAC  
PENNSYLVANIA  
DESIGNATED COUNSEL**Facsimile Transmittal**

To: *Cindy* Fax: *814-765-5915*  
From: *Jodie* Date: *8-19-03*  
Re: *Toney* Pages: *3 N/ CML*  
CC:

☐ Urgent☒ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

*Cindy -*  
*Please per Service in*  
*the Toney - we will*  
*just need to PP 30 days*  
*from 9/5/03 -*

*- Jodie -*

**CONFIDENTIAL**

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

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

**EREDDIE MAC.**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

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

PLEASE RESPOND TO NEW JERSEY OFFICE

August 28, 2003

Sent via telefax #814-765-5915

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

Re: Credit-Based Asset Servicing and Securitization, LLC  
vs.  
Samuel J. Toney III & Patricia J. Toney  
Clearfield County C.C.P. No. 02-1383-CD  
Premises: 17 Mountain Run Road, Penfield, PA 15849  
SS Date: September 5, 2003

Dear Cindy:

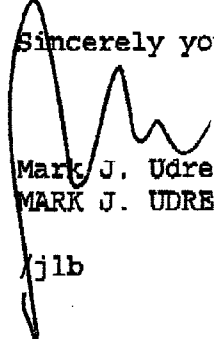
Please Postpone the Sheriff's Sale scheduled for September 5, 2003  
to October 10, 2003.

Sale is postponed for the following reason:

To allow time for Service of the Notice of Sale.

Thank you for your attention to this matter.

Sincerely yours,

  
Mark J. Udren  
MARK J. UDREN & ASSOCIATES

/jlb