

02-1926-CD
CENTEX HOME EQUITY CO., LLC vs. LARRY J. SHUGARS, et al

CENTEX HOME EQUITY COMPANY, LLC
Plaintiff

vs.

LARRY J. SHUGARTS
JENNIE M. SHUGARTS

Defendants

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

02-1926-CJ

**THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT
A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU
WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.**

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim 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.

CLEARFIELD COUNTY LAWYER REFERRAL SERVICE
DAVID S. MEHOLICK, COURT ADMINISTRATOR CLEARFIELD CO COURTHOUSE, 230 EAST MAIN STREET
CLEARFIELD, PA 16830
814-765-2641 *5982

AVISO

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

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

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

CLEARFIELD COUNTY LAWYER REFERRAL SERVICE
DAVID S. MEHOLICK, COURT ADMINISTRATOR CLEARFIELD CO COURTHOUSE, 230 EAST MAIN STREET
CLEARFIELD, PA 16830
814-765-2641 *5982

FILED

DEC 11 2002

William A. Shaw
Prothonotary

CENTEX HOME EQUITY COMPANY, LLC,
Plaintiff

vs.

LARRY J. SHUGARTS
JENNIE M. SHUGARTS,
Defendants

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION LAW
ACTION OF MORTGAGE FORECLOSURE

THE FOLLOWING NOTICE IS BEING PROVIDED PURSUANT TO THE FAIR DEBT
COLLECTION PRACTICES ACT, 15 U.S.C. 1601

The undersigned attorney is attempting to collect a debt owed to the Plaintiff, and any information obtained will be used for that purpose. The amount of the debt is stated in this Complaint. Plaintiff is the creditor to whom the debt is owed. Unless the Debtor, within thirty (30) days after your receipt of this notice disputes the validity of the aforesaid debt or any portion thereof owing to the Plaintiff, the undersigned attorney will assume that said debt is valid. If the Debtor notifies the undersigned attorney in writing with the said thirty (30) day period that the aforesaid debt, or any portion thereof, is disputed, the undersigned attorney shall obtain written verification of the said debt from the Plaintiff and mail same to Debtor. Upon written request by Debtor to the undersigned attorney within said thirty (30) day period, the undersigned attorney will provide debtor with the name and address of the original creditor if different from the current creditor.

PURCELL, KRUG & HALLER
1719 North Front Street
Harrisburg, PA 17102
(717) 234-4178
Attorney I.D.# 15700
Attorney for Plaintiff

CENTEX HOME EQUITY COMPANY, LLC,
Plaintiff

vs.

LARRY J. SHUGARTS
JENNIE M. SHUGARTS,

Defendants

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

: CIVIL ACTION - LAW

: ACTION OF MORTGAGE FORECLOSURE

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, CENTEX HOME EQUITY COMPANY, LLC, is a corporation whose address is 1750 VICEROY, DALLAS, TX 75235.
2. Defendant, LARRY J. SHUGARTS, is an adult individual whose last known address is 427 W. FRONT STREET, CLEARFIELD, PENNSYLVANIA 16830. Defendant, JENNIE M. SHUGARTS, is an adult individual whose last known address is 427 W. FRONT STREET, CLEARFIELD, PENNSYLVANIA 16830.
3. On or about, January 31, 2001, the said Defendants executed and delivered a Mortgage Note in the sum of \$52,200.00 payable to CENTEX HOME EQUITY CORPORATION. The said Note is not accessible to Plaintiff and is believed to have been lost. In further answer thereto, a copy is believed to be in the possession of the Defendants. Plaintiff also avers that the within Mortgage Foreclosure complaint is based upon the Mortgage and that the attachment of a copy of the Note is unnecessary pursuant to Rules 1019 (h) and 1141 (a) of the Pennsylvania Rules of Civil Procedure.
4. Contemporaneously with and at the time of the execution of the aforesaid Mortgage Note, in order to secure payment of the same, Defendants made, executed, and delivered to original Mortgagee, a certain real estate Mortgage which is recorded in the Recorder of Deeds Office of the within County and Commonwealth in Instrument #200101570 conveying to original Mortgagee the subject premises. Centex Home Equity Corporation is now known as Centex Home Equity Company, LLC. Said Mortgage is incorporated herein.

5. The land subject to the Mortgage is: 478 EAST 9TH STREET, CLEARFIELD, PENNSYLVANIA 16830 and is more particularly described in Exhibit "A" attached hereto.
6. The said Defendants are the real owners of the property.
7. The Mortgage is in default due to the fact that Mortgagors have failed to pay the installment due on June 05, 2002 and all subsequent installments thereon, and the following amounts are due on the Mortgage:

UNPAID PRINCIPAL BALANCE	\$51,956.61
Interest at \$17.01 per day From 05/05/2002 To 01/05/2003 (based on contract rate of 11.9500%)	\$4,167.45
Accumulated Late Charges	\$342.26
Late Charges of \$26.75 From 06/05/2002 to 01/02/2003	\$187.25
Attorney's Fee at 5% of Principal Balance	\$2,597.83
TOTAL	\$59,251.40

**Together with interest at the per diem rate noted above after January 05, 2003 and other charges and costs to date of Sheriff's Sale.

The attorney's fees set forth above are in conformity with the Mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged that are actually incurred by Plaintiff.

8. No judgment has been entered upon said Mortgage in any jurisdiction.
9. Notice of Intention to foreclosure and accelerate the loan balance pursuant to Pennsylvania Act No. 6 of 1974 is not required in that the original principal balance exceeds \$50,000.00.
10. Defendants are not members of the Armed Forces of the United States of America, nor engaged in any way which would bring them within the Soldiers and Sailors Relief Act of 1940, as amended.

11. Plaintiff has complied with the procedures required by Pennsylvania Act 91 of 1983 (Homeowners' Emergency Mortgage Assistance Payments Program) and Defendants have either failed to meet the time limitations as set forth therein or have been determined by the Pennsylvania Housing Finance Agency not to qualify for assistance.

WHEREFORE, Plaintiff demands judgment in mortgage foreclosure "IN REM" for the aforementioned total amount due together with interest at the rate of 11.9500% (\$17.01 per diem), together with other charges and costs including escrow advances incidental thereto to the date of Sheriff's Sale and for foreclosure and sale of the property within described.

By: 

PURCELL, KRÜG & HALLER

Leon P. Haller, Esquire
Attorney for Plaintiff
I.D. # 15700
1719 N. Front Street
Harrisburg, PA 17102
(717-234-4178)

that 1/2 interest in the Borough of Clearfield, County of Clearfield, State of Pennsylvania, known as Lot No. 11 in the recorded plot of Walker & Heath's lots, bounded and described as follows, to wit:

On the East by Ninth Street; on the North by Lot No. 12 now or formerly owned by Oliver Holley; on the West by an alley and on the South by Lot No. 10. Said lot being forty (40) feet from on Ninth Street and extending back to an alley one hundred and fifty (150) feet.

Tax ID 4.4-K08-247-73

(2000120052.PFD/2000120052/6)

EXHIBIT "A"

COMPANY NAME: CENTEX HOME EQUITY COMPANY LLC

VERIFICATION

I verify that the statements made in the foregoing Complaint are true and correct.

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

Dated 12/9/02

By 
Stacey Anderson

Title: Foreclosure Specialist

FILED

11/28/02
DEC 1 2002

cc Atty Hader

cc Shaf

~~Atty Pd.~~

William A. Shaw
Prothonotary

Atty Pd.
85.00

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13414

CENTEX HOME EQUITY COMPANY

02-1926-CD

VS.

SHUGARTS, LARRY J. & JENNIE M.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW DECEMBER 18, 2002 AT 3:03 PM EST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LARRY J. SHUGARTS, DEFENDANT AT RESIDENCE, 427 W. FRONT ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LARRY J. SHUGARTS A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MORGILLO

NOW DECEMBER 18, 2002 AT 3:03 PM EST SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JENNY M. SHUGARTS, DEFENDANT AT RESIDENCE, 427 W. FRONT ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LARRY J. SHUGARTS, HUSBAND, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MORGILLO

NOW JANUARY 29, 2003 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO OCCUPANT/TENANT AT 478 E. 9TH ST., CLEARFIELD, PENNSYLVANIA. THE HOSUE IS EMPTY.

Return Costs

Cost	Description
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33.00 SHFF. HAWKINS PAID BY: ATTY.

30.00 SURCHARGE PAID BY: ATTY.

FILED
JAN 29 2003
01/29/03 p.m.
William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13414

CENTEX HOME EQUITY COMPANY

02-1926-CD

VS.

SHUGARTS, LARRY J. & JENNIE M.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

Sworn to Before Me This

29th Day Of January 2003

Chester A. Hawkins

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

CENTEX HOME EQUITY COMPANY, LLC
Plaintiff

vs.

LARRY J. SHUGARTS
JENNIE M. SHUGARTS

Defendants

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

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DAVID S. MEHOLICK, COURT ADMINISTRATOR CLEARFIELD CO COURTHOUSE, 230 EAST MAIN STREET
CLEARFIELD, PA 16830
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A V I S O

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

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CLEARFIELD, PA 16830
814-765-2641 *5982

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

DEC 11 2002

Attest.

Larry J. Shugarts
Prothonotary/
Clerk of Courts

CENTEX HOME EQUITY COMPANY, LLC,
Plaintiff

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

vs.

LARRY J. SHUGARTS
JENNIE M. SHUGARTS,

Defendants

: CIVIL ACTION LAW
: ACTION OF MORTGAGE FORECLOSURE

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PURCELL, KRUG & HALLER
1719 North Front Street
Harrisburg, PA 17102
(717) 234-4178
Attorney I.D.# 15700
Attorney for Plaintiff

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JENNIE M. SHUGARTS,

Defendants

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

: CIVIL ACTION - LAW

: ACTION OF MORTGAGE FORECLOSURE

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10. Defendants are not members of the Armed Forces of the United States of America, nor engaged in any way which would bring them within the Soldiers and Sailors Relief Act of 1940, as amended.

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WHEREFORE, Plaintiff demands judgment in mortgage foreclosure "**IN REM**" for the aforementioned total amount due together with interest at the rate of 11.9500% (\$17.01 per diem), together with other charges and costs including escrow advances incidental thereto to the date of Sheriff's Sale and for foreclosure and sale of the property within described.

By: 

PURCELL, KRÜG & HALLER

Leon P. Haller, Esquire
Attorney for Plaintiff
I.D. # 15700
1719 N. Front Street
Harrisburg, PA 17102
(717-234-4178)

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On the East by Ninth Street; on the North by Lot No. 12 now or formerly owned by Oliver Holley; on the West by an alley and on the South by Lot No. 10. Said lot being forty (40) feet from on Ninth Street and extending back to an alley one hundred and fifty (150) feet.

Tax ID 4.4-K08-247-73

(2000120052.PFD/2000120052/6)

EXHIBIT "A"

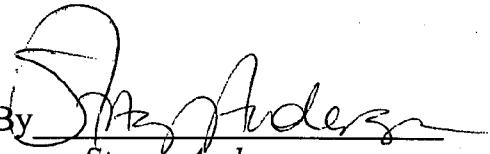
COMPANY NAME: CENTEX HOME EQUITY COMPANY LLC

VERIFICATION

I verify that the statements made in the foregoing Complaint are true and correct.

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

Dated 12/9/02

By 
Stacey Anderson

Title: Foreclosure Specialist

CENTEX HOME EQUITY COMPANY, LLC,
PLAINTIFF

VS.

LARRY J. SHUGARTS AND JENNIE M. SHUGARTS,
DEFENDANTS

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

NO. 02-1926-CD

IN MORTGAGE FORECLOSURE

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

SS

COUNTY OF DAUPHIN :

I, LEON P. HALLER, Attorney for the Plaintiff in the above matter, being duly sworn according to law, hereby certify that the Plaintiff has complied with the procedures required by Pennsylvania Act 91 of 1983 (Homeowners' Emergency Mortgage Assistance Payments Program) and Defendant(s) have either failed to meet the time limitations as set forth therein or have been determined by the Housing Finance Agency not to qualify for assistance.

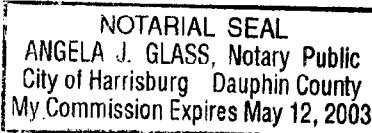
Sworn to and subscribed :

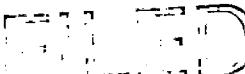
before me this 13 day :

of February 20 03 :


LEON P. HALLER, ESQUIRE

Angel J. Glass
Notary Public





FEB 14 2003

William A. Shaw
Prothonotary

1005hff

ML240-
FEB 14 2003

William A. Shaw
Prothonotary

CENTEX HOME EQUITY COMPANY, LLC,
PLAINTIFF

VS.

LARRY J. SHUGARTS AND JENNIE M. SHUGARTS,
DEFENDANTS

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

NO. 02-1926-CD

IN MORTGAGE FORECLOSURE

NON-MILITARY AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA : :

SS

COUNTY OF DAUPHIN : :

Personally appeared before me, a Notary Public in and for said Commonwealth and County,
LEON P. HALLER, ESQUIRE who being duly sworn according to law deposes and states that the
Defendant (s) above named are not in the Military or Naval Service nor are they engaged in any way
which would bring them within the Soldiers and Sailors Relief Act of 1940, as amended.

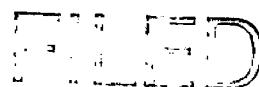
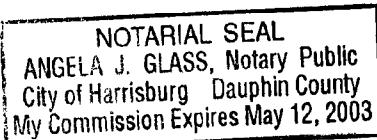
Sworn to and subscribed : :

before me this 13 day : :

of February 2003 : :

Angela J. Glass
Notary Public

LEON P. HALLER, ESQUIRE



FEB 14 2003

William A. Shaw
Prothonotary

LAW OFFICES

Purcell, Krug & Haller

1719 NORTH FRONT STREET
HARRISBURG, PENNSYLVANIA 17102-2392
TELEPHONE (717) 234-4178
FAX (717) 234-1206

HOWARD B. KRUG
LEON P. HALLER
JOHN W. PURCELL JR.
JILL M. WINKA
BRIAN J. TYLER
NICHOLE M. STALEY O'GORMAN

HERSHEY
(717)533-3836
JOSEPH NISSLEY (1910-1982)
JOHN W. PURCELL
VALERIE A. GUNNOF
COUNSEL

LARRY J. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

JENNIE M. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Co. of PA
1995 South Atherton Street
State College, PA 16801

Tenant/Occupant
478 East 9th Street
Clearfield, PA 16830

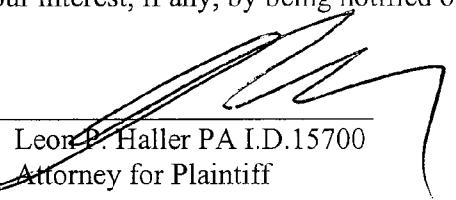
DOMESTIC RELATONS
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

NOTICE IS HEREBY GIVEN to the Defendants in the within action and those parties who hold one or more mortgages, judgments or tax liens against the real estate which is the subject of the Notice of Sale pursuant to Pennsylvania Rule of Civil Procedure 3129.1 attached hereto.

YOU ARE HEREBY NOTIFIED that by virtue of a Writ of Execution issued out of the Court of Common Pleas of the within county on the judgment of the Plaintiff named herein the said real estate will be exposed to public sale as set forth on the attached Notice of Sale.

YOU ARE FURTHER NOTIFIED that the lien you hold against the said real estate will be divested by the sale and that you have an opportunity to protect your interest, if any, by being notified of said Sheriff's Sale.

By: _____


Leon P. Haller PA I.D. 15700
Attorney for Plaintiff

CENTEX HOME EQUITY COMPANY, LLC,
PLAINTIFF

VS.

LARRY J. SHUGARTS AND JENNIE M. SHUGARTS,
DEFENDANTS

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

NO. 02-1926-CD

IN MORTGAGE FORECLOSURE

NOTICE OF SHERIFF'S SALE OF REAL ESTATE
PURSUANT TO
PENNSYLVANIA RULE OF CIVIL PROCEDURE 3129.1

TAKE NOTICE:

That the Sheriff's Sale of Real Property (real estate) will be held:

DATE: **May 2, 2003**

TIME: **10:00A.M.**

LOCATION: Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830

THE PROPERTY TO BE SOLD is delineated in detail in a legal description mainly consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land. (SEE DESCRIPTION ATTACHED)

THE LOCATION of your property to be sold is:

**478 EAST 9TH STREET
CLEARFIELD, PENNSYLVANIA 16830**

THE JUDGMENT under or pursuant to which your property is being sold is docketed in the within Commonwealth and County to:

No. 02-1926-CD

JUDGMENT AMOUNT \$59,251.40

THE NAMES OF THE OWNERS OR REPUTED OWNERS of this property is:

LARRY J. SHUGARTS JENNIE M. SHUGARTS

A SCHEDULE OF DISTRIBUTION, being a list of the persons and/or governmental or corporate entities or agencies being entitled to receive part of the proceeds of the sale received and to be disbursed by the Sheriff (for example, to banks that hold mortgages and municipalities that are owed taxes) will be filed by the Sheriff of this County thirty (30) days after the sale and distribution of the proceeds of sale in accordance with this schedule will, in fact, be made unless someone objects by filing exceptions to it within ten (10) days of the date it is filed.

Information about the Schedule of Distribution may be obtained from the Sheriff of the Court of Common Pleas of the within County at the Courthouse address specified herein.

THIS PAPER IS A NOTICE OF THE TIME AND PLACE OF THE SALE OF YOUR PROPERTY.

IT HAS BEEN ISSUED BECAUSE THERE IS A JUDGMENT AGAINST YOU.

IT MAY CAUSE YOUR PROPERTY TO BE HELD, TO BE SOLD OR TAKEN TO PAY THE JUDGMENT

You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, **YOU MUST ACT PROMPTLY.**

CENTEX HOME EQUITY CORPORATION v. LARRY J. SHUGARTS JENNIE M. SHUGARTS
Clearfield County Sale _____

**U. S. POSTAL SERVICE
CERTIFICATE OF MAILING
(In compliance with Postal Service Form 3877)**

Received from:

Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17102

Postage:

One piece of ordinary mail addressed to:
LARRY J. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

Postmark:

**U. S. POSTAL SERVICE
CERTIFICATE OF MAILING
(In compliance with Postal Service Form 3877)**

Received from:

Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17102

Postage:

One piece of ordinary mail addressed to:
JENNIE M. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

Postmark:



**U. S. POSTAL SERVICE
CERTIFICATE OF MAILING
(In compliance with Postal Service Form 3877)**

Received from:

Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17102

Postage:

One piece of ordinary mail addressed to:
DOMESTIC RELAITONS
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Pos



CENTEX HOME EQUITY CORPORATION v. LARRY J. SHUGARTS JENNIE M. SHUGARTS
Clearfield County Sale _____

U. S. POSTAL SERVICE
CERTIFICATE OF MAILING
(In compliance with Postal Service Form 3877)

Received from:

Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17102

Postage:

One piece of ordinary mail addressed to:
Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Co. of PA
1995 South Atherton Street
State College, PA 16801

Postmark:

U. S. POSTAL SERVICE
CERTIFICATE OF MAILING
(In compliance with Postal Service Form 3877)

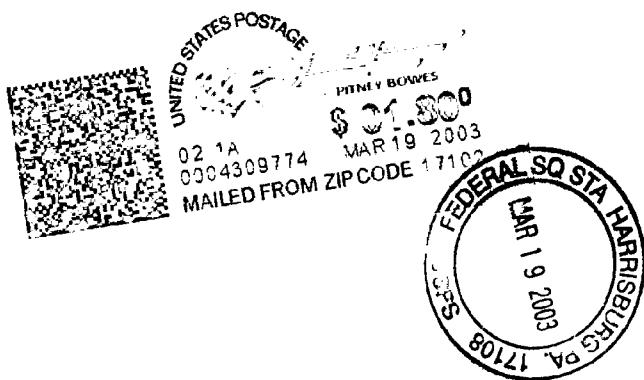
Received from:

Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17102

Postage:

One piece of ordinary mail addressed to:
Tenant/Occupant
478 East 9th Street
Clearfield, PA 16830

Postmark:



CENTEX HOME EQUITY COMPANY, LLC,
PLAINTIFF

VS.

LARRY J. SHUGARTS AND JENNIE M. SHUGARTS,
DEFENDANTS

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

NO. 02-1926-CD

IN MORTGAGE FORECLOSURE

RETURN OF SERVICE

I hereby certify that I have deposited in the U.S. Mails at Harrisburg, Pennsylvania on
3-19-03, a true and correct copy of the Notice of Sale of Real Estate pursuant to PA
R.C.P. 3129.1 to the Defendants herein and all lienholders of record by regular first class mail
(Certificate of Mailing form in compliance with U.S. Postal Form 3817 is attached hereto as evidence),
and also to the Defendants by Certified Mail, which mailing receipts are attached. Service addresses are
as follows:

LARRY J. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

JENNIE M. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Co. of PA
1995 South Atherton Street
State College, PA 16801

Tenant/Occupant
478 East 9th Street
Clearfield, PA 16830

DOMESTIC RELAITONS
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

FILED
M/11/36 BA *cc to City*
APR 17 2003

William A. Shaw
Prothonotary

By _____
PURCELL, KRUG & HALLER
Attorneys for Plaintiff
1719 North Front Street
Harrisburg, PA 17102
(717) 234-4178

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET
FREE LEGAL ADVICE:**

**Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 5982)**

THE LEGAL RIGHTS YOU MAY HAVE ARE:

1. You may file a petition with the Court of Common Pleas of the within County to open the judgment if you have a meritorious defense against the person or company that has entered judgment against you. You may also file an petition with the same Court if you are aware of a legal defect in the obligation or the procedure used against you.
2. After the Sheriff's Sale you may file a petition with the Court of Common Pleas of the within County to set aside the sale for a grossly inadequate price or for other proper cause. This petition **MUST BE FILED BEFORE THE SHERIFF'S DEED IS DELIVERED.**
3. A petition or petitions raising the legal issues or rights mentioned in the preceding paragraphs must be presented to the Court of Common Pleas of the within County. The petition must be served on the attorney for the creditor or on the creditor before presentation to the court and a proposed order or rule must be attached to the petition.

If a specific return date is desired, such date must be obtained from the Court Administrator's Office - Civil Division, of the within County Courthouse, before a presentation of the petition to the Court.

**PURCELL, KRUG & HALLER
Attorneys for Plaintiff
1719 North Front Street
Harrisburg, PA 17102
(717) 234-4178**

ALL THAT CERTAIN lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, known as Lot No. 11 in the recorded plot of Walker & Heath's Lots, and bounded and described as follows:

ON the East by Ninth Street; on the North by Lot No. 12 now or formerly owned by Oliver Holley; on the West by an alley and on the South by Lot No. 10. Said lot being forty (40) feet front on Ninth Street and extending back to an alley one hundred and fifty (150) feet.

HAVING THEREON ERECTED A DWELLING KNOWN AS 478 East 9th Street, Clearfield, Pennsylvania.

BEING THE SAME PREMISES WHICH Michael T. Rowles, by Deed dated October 19, 2000 and recorded November 3, 2000 as Clearfield County Instrument Number 200016474, granted and conveyed his $\frac{1}{2}$ interest to Jennie M. Shugarts.

Assessment # 4.4-K08-247-73

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13798

CENTEX HOME EQUITY COMPANY, LLC

02-1926-CD

VS.

SHUGARTS, LARRY J.

WRIT OF EXECUTION REAL ESTATE

FILED

03:53 AM

SEP 03 2003

E. Gots

SHERIFF RETURNS

William A. Shaw
Prothonotary/Clerk of Courts

NOW, MARCH 31, 2003 @ 11:15 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 MAY 2, 2003 WAS SET.

NOW, MARCH 31, 2003 @ 11:27 A.M. O'CLOCK SERVED JENNIE M. SHUGARTS, DEFENDANT, AT HER RESIDENCE 427 W. FRONT STREET, CLEAFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRANDON ROWLES, SON OF JENNIE M. SHUGARTS, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, MARCH 31, 2003 @ 11:27 A.M. O'CLOCK SERVED LARRY J. SHUGARTS, DEFENDANT, AT HIS RESIDENCE 427 W. FRONT STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRANDON ROWLES, STEPSON OF LARRY J. SHUGARTS, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY, AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, MAY 2, 2003 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$1.00 + COSTS.

NOW, JULY 23, 2003 ADJUSTED BILLING FOR ADDITIONAL TAXES.

NOW, AUGUST 29, 2003 RECEIVED CHECK FOR ADDITONAL TAXES.

NOW, SEPTEMBER 3, 2003 PAID COSTS FROM ADVANCE AND ATTORNEY CHECK.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13798

CENTEX HOME EQUITY COMPANY, LLC

02-1926-CD

VS.

SHUGARTS, LARRY J.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

**NOW, SEPTEMBER 3, 2003 RETURN WRIT AS SALE BEING HELD ON THE PROPERTY
OF THE DEFENDANTS. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR
\$1.00 + COSTS.**

NOW, SEPTEMBER 3, 2003 A DEED WAS FILED.

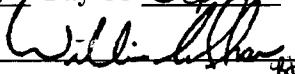
SHERIFF HAWKINS \$204.44

SURCHARGE \$40.00

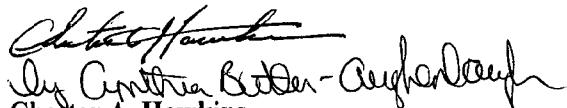
PAID BY ATTORNEY

Sworn to Before Me This

3rd Day Of Sept 2003


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

So Answers,


By: Cynthia Bittner - Aug/2003
Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

Centex Home Equity Company, LLC

Vs.

NO.: 2002-01926-CD

Larry J. Shugarts and Jennie M. Shugarts

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due CENTEX HOME EQUITY COMPANY, LLC, Plaintiff(s) from LARRY J. SHUGARTS and JENNIE M. SHUGARTS, Defendant(s):

(1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
See attached

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE: \$51,956.61

INTEREST per diem of

\$17.01 to 4/5/03: \$5,698.35

PROTH. COSTS: \$

ATTY'S COMM-5%: \$2,597.83

ESCROW DEFICIT \$721.00

DATE: 02/14/2003

PAID: \$125.00

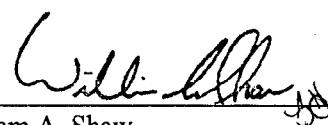
SHERIFF: \$

ACCUMULATED LATE CHARGES: \$449.26

OTHER COSTS: \$

LATE CHARGES (\$26.75 per month to

4/5/03): \$267.50



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 14th day
of February A.D. 2003

At 2:30 A.M./P.M.

Chester A. Hrabens
Sheriff by Cynthia Butler-Augherday

Requesting Party: Leon P. Haller, Esq.
1719 North Front Street
Harrisburg, PA 17102

ALL THAT CERTAIN lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, known as Lot No. 11 in the recorded plot of Walker & Heath's Lots, and bounded and described as follows:

ON the East by Ninth Street; on the North by Lot No. 12 now or formerly owned by Oliver Holley; on the West by an alley and on the South by Lot No. 10. Said lot being forty (40) feet front on Ninth Street and extending back to an alley one hundred and fifty (150) feet.

HAVING THEREON ERECTED A DWELLING KNOWN AS 478 East 9th Street, Clearfield, Pennsylvania.

BEING THE SAME PREMISES WHICH Michael T. Rowles, by Deed dated October 19, 2000 and recorded November 3, 2000 as Clearfield County Instrument Number 200016474, granted and conveyed his $\frac{1}{2}$ interest to Jennie M. Shugarts.

Assessment # 4.4-K08-247-73

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME SHUGARTS NO. 02-1926-CD

NOW, May 2, 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 2ND day of MAY 2003, I exposed the within described real estate of LARRY J. SHUGARTS AND JENNIE M. SHUGARTS to public venue or outcry at which time and place I sold the same to CENTEX HOME EQUITY COMPANY, 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	2.00
LEVY	15.00
MILEAGE	2.00
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	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	5.00
TOTAL SHERIFF COSTS	204.44

DEED COSTS:

ACKNOWLEDGEMENT5	5.00
REGISTER & RECORDER	28.50
TRANSFER TAX 2%	
TOTAL DEED COSTS	28.50

PLAINTIFF COSTS, DEBIT & INTEREST:

DEBT-AMOUNT DUE	51,956.61
INTEREST PER DIEM \$17.01 TO 4/5/03	5,698.35
TO BE ADDED TO SALE DATE	
ATTORNEY FEES	
PROTH. SATISFACTION	
LATE CHARGES & FEES	716.76
COST OF SUIT -TO BE ADDED	
FORECLOSURE FEES/ESCROW DEFICIT	
ATTORNEY COMMISSION	2,597.83
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
SATISFACTION FEE	
ESCROW DEFICIENCY	721.00
TOTAL DEBT & INTEREST	61,690.55
COSTS:	
ADVERTISING	275.31
TAXES - collector	350.86
TAXES - tax claim TO 8/03	2,092.40
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	28.50
SHERIFF COSTS	204.44
LEGAL JOURNAL AD	144.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	3,365.51

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

CENTEX HOME EQUITY COMPANY, LLC,
PLAINTIFF

VS.

LARRY J. SHUGARTS AND JENNIE M. SHUGARTS,
DEFENDANTS

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

NO. 02-1926-CD

IN MORTGAGE FORECLOSURE

P R A E C I P E

TO THE PROTHONOTARY OF THE WITHIN COUNTY:

Please enter **JUDGMENT in rem** in favor of the Plaintiff and against Defendant(s) **LARRY J. SHUGARTS AND JENNIE M. SHUGARTS** for failure to plead to the above action within twenty (20) days from date of service of the Complaint, and assess Plaintiff's damages as follows:

Unpaid Principal Balance	\$51,956.61
Interest	\$4,167.45
Per diem of \$17.01	
From 05/05/2002	
To 01/05/2003	
Accumulated Late Charges	\$342.26
Late Charges	\$187.25
(\$26.75 per month to 01/02/2003)	
5% Attorney's Commission	\$2,597.83
TOTAL	\$59,251.40

**Together with additional interest at the per diem rate indicated above from the date herein, based on the contract rate, and other charges and costs to the date of Sheriff's Sale.

PURCELL, KRUG & HALLER

By _____

Leon P. Haller PA I.D. # 15700
1719 North Front Street
Harrisburg, PA 17102
(717) 234-4178

FILED

FEB 14 2003

William A. Shaw
Prothonotary

Atty pd. 20.00

1/28/03
FEB 14 2003
Statement to Atty

William A. Shaw
Prothonotary

Atty

CENTEX HOME EQUITY COMPANY, LLC,
PLAINTIFF

VS.

LARRY J. SHUGARTS AND JENNIE M. SHUGARTS,
DEFENDANTS

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

NO. 02-1926-CD

IN MORTGAGE FORECLOSURE

NOTICE OF ENTRY OF JUDGMENT

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby notified that on Feb. 14, 2003 the following judgment has been entered against you in the above-captioned matter:

\$59,251.40 and for the sale and foreclosure of your property located at: 478 EAST 9TH STREET CLEARFIELD, PENNSYLVANIA 16830

Dated: February 13, 2003

PROTHONOTARY

Attorney for Plaintiff:

Leon P. Haller

1719 North Front Street

Harrisburg, PA 17102

Phone: (717) 234-4178

I hereby certify that the following person(s) and their respective addresses are the proper individuals to receive this Notice pursuant to PA R.C.P. No. 236

LARRY J. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

JENNIE M. SHUGARTS
427 W. FRONT STREET
CLEARFIELD, PA 16830

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

Centex Home Equity Company, LLC
Plaintiff(s)

COPY

No.: 2002-01926-CD

Real Debt: \$59,251.40

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Larry J. Shugarts
Jennie M. Shugarts
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 14, 2003

Expires: February 14, 2008

Certified from the record this 14th day of February, 2003.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

CENTEX HOME EQUITY COMPANY, LLC,
PLAINTIFF

VS.

LARRY J. SHUGARTS AND JENNIE M. SHUGARTS,
DEFENDANTS

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

NO. 02-1926-CD

IN MORTGAGE FORECLOSURE

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

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter on the real estate located at **478 EAST 9TH STREET CLEARFIELD, PENNSYLVANIA 16830** as follows:

Unpaid Principal Balance	\$51,956.61
Interest	\$5,698.35
Per diem of \$17.01	
To 4/5/03	
Accumulated Late Charges	\$449.26
Late Charges	\$267.50
(\$26.75 per month to 4/5/03)	
Escrow Deficit	\$721.00
 5% Attorney's Commission	 \$2,597.83
TOTAL WRIT	\$61,690.55
<i>Prothonotary Costs</i>	<i>625.00</i>

**Together with any additional interests, charges and costs to the date of Sheriff's Sale.

By _____
LEON P. HALLER I.D. #15700
ATTORNEY FOR PLAINTIFF
1719 North Front Street
Harrisburg, PA 17102
(717) 234-4178

Dated: February 13, 2003

Attached is a description of the real estate.

FEB 14 2003

William A. Shaw
Prothonotary

ALL THAT CERTAIN lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, known as Lot No. 11 in the recorded plot of Walker & Heath's Lots, and bounded and described as follows:

ON the East by Ninth Street; on the North by Lot No. 12 now or formerly owned by Oliver Holley; on the West by an alley and on the South by Lot No. 10. Said lot being forty (40) feet front on Ninth Street and extending back to an alley one hundred and fifty (150) feet.

HAVING THEREON ERECTED A DWELLING KNOWN AS 478 East 9th Street, Clearfield, Pennsylvania.

BEING THE SAME PREMISES WHICH Michael T. Rowles, by Deed dated October 19, 2000 and recorded November 3, 2000 as Clearfield County Instrument Number 200016474, granted and conveyed his $\frac{1}{2}$ interest to Jennie M. Shugarts.

Assessment # 4.4-K08-247-73

Aug pd. 20.00

3/24/36 H
FEB 14 1903

1cc a. lements w/prop. deser. attached

William A. Shaw
Prothnootry

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

Centex Home Equity Company, LLC

Vs.

NO.: 2002-01926-CD

Larry J. Shugarts and Jennie M. Shugarts

TO THE SHERIFF OF CLEARFIELD COUNTY:

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See attached
- (2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

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AMOUNT DUE: \$51,956.61

INTEREST per diem of

\$17.01 to 4/5/03: \$5,698.35

PROTH. COSTS: \$

ATTY'S COMM-5%: \$2,597.83

ESCROW DEFICIT \$721.00

DATE: 02/14/2003

PAID: \$125.00

SHERIFF: \$

ACCUMULATED LATE CHARGES: \$449.26

OTHER COSTS: \$

LATE CHARGES (\$26.75 per month to
4/5/03): \$267.50

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

William A. Shaw
Prothonotary/Clerk Civil Division

Requesting Party: Leon P. Haller, Esq.
1719 North Front Street
Harrisburg, PA 17102

Sheriff

ALL THAT CERTAIN lot of ground situate in the Borough of Clearfield, County of Clearfield and State of Pennsylvania, known as Lot No. 11 in the recorded plot of Walker & Heath's Lots, and bounded and described as follows:

ON the East by Ninth Street; on the North by Lot No. 12 now or formerly owned by Oliver Holley; on the West by an alley and on the South by Lot No. 10. Said lot being forty (40) feet front on Ninth Street and extending back to an alley one hundred and fifty (150) feet.

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BEING THE SAME PREMISES WHICH Michael T. Rowles, by Deed dated October 19, 2000 and recorded November 3, 2000 as Clearfield County Instrument Number 200016474, granted and conveyed his $\frac{1}{2}$ interest to Jennie M. Shugarts.

Assessment # 4.4-K08-247-73