

2003-269-CD
BANK OF NEW YORK
VS.
DENNIS W. CARSON

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

BANK OF NEW YORK AS TRUSTEE FOR CWABS 2002-1
7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff

v.

DENNIS W. CARSON
2 PRINCESS STREET
BRISBIN, PA 16620

Defendant(s)

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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.

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

Loan #: 7685421

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

TERM

NO. 2003-269-CO

CLEARFIELD COUNTY

FILED

FEB 26 2003
m/11:15/uy
William A. Shaw
Prothonotary
Lent to SHFF

IF THIS IS THE FIRST NOTICE THAT YOU HAVE RECEIVED FROM THIS OFFICE, BE ADVISED THAT:

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977), DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S) DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE DEFENDANT(S) WITH WRITTEN VERIFICATION THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. LIKEWISE, IF REQUESTED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S) THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM ABOVE.

THE LAW DOES NOT REQUIRE US TO WAIT UNTIL THE END OF THE THIRTY (30) DAY PERIOD FOLLOWING FIRST CONTACT WITH YOU BEFORE SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH THE LAW PROVIDES THAT YOUR ANSWER TO THIS COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

1. Plaintiff is

BANK OF NEW YORK AS TRUSTEE FOR CWABS 2002-1
7105 CORPORATE DRIVE
PLANO, TX 75024

2. The name(s) and last known address(es) of the Defendant(s) are:

DENNIS W. CARSON
2 PRINCESS STREET
BRISBIN, PA 16620

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

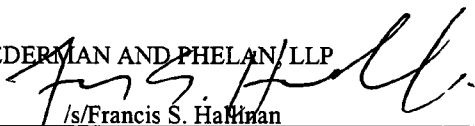
3. On 2/1/02 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to EMPIRE MORTGAGE SERVICE, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book No. Instrument No. 200202441. By Assignment of Mortgage recorded 7/25/02 the mortgage was assigned to COUNTRYWIDE HOME LOANS, INC. which Assignment is recorded in Assignment of Mortgage Instrument No. 200211839. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2002 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$83,721.79
Interest	3,350.13
10/01/2002 through 02/24/2003 (Per Diem \$22.79)	
Attorney's Fees	1,250.00
Cumulative Late Charges	108.69
02/01/2002 to 02/01/2003	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 88,980.61
Escrow	
Credit	0.00
Deficit	511.00
Subtotal	<u>\$ 511.00</u>
TOTAL	\$ 89,491.61

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 89,491.61, together with interest from 02/24/2003 at the rate of \$22.79 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

FEDERMAN AND PHELAN/LLP
By: 
/s/Francis S. Hallinan
FRANK FEDERMAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

ALL those two (2) certain messuages, tenements and tracts of land situate, lying and being in the Borough of Brisbin, County of Clearfield and State of Pennsylvania, being more particularly described as follows:

PARCEL 1

THE FIRST THEREOF: BEGINNING at the Southeast corner of Princess Street and "B" Alley; thence along said Street South 22° 30' East, 170 feet to a post; thence North 67° 30' East, 137 feet to a post on "D" Alley; thence along said Alley North 22° 30' West, 170 feet to a post on "B" Alley; thence along said Alley South 67° 30' West, 137 feet to a post and the place of beginning, and known as Lot "J" in the general plan of said Borough.

THE SECOND THEREOF: BEGINNING at the Southeast corner of Princess Street and Lot "J" (aforesaid); thence South 22° 30' East, 45 feet to a "Maple Tree"; thence North 67° 30' East, 137 feet to a post on "D" Alley; thence along said Alley North 22° 30' West, 45 feet to the Northeast corner of Lot "J" (aforesaid); thence along Lot "J" South 67° 30' West, 137 feet to a post and the place of beginning, and known as Lot "I" in the general plan of said Borough.

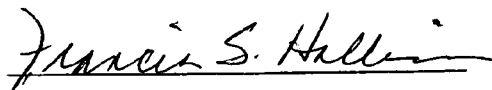
BEING the same premises which Ednie Fuels, Inc., a Pennsylvania Corporation, by its deed dated May 21, 1984, and recorded on May 21, 1984, in Clearfield County Record Book 947, at page 184, granted and conveyed to Dennis W. Carson and Kathryn A. Carson, his wife, the Grantors herein.

PROPERTY ADDRESS: 2 PRINCESS STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, it is counsel's intention to substitute a verification from Plaintiff as soon as it is received by counsel.

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



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 2/24/03

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

**BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1**

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

vs.

No. 2003-269-CD

DENNIS W. CARSON

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

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

Amount Due

\$91,109.70

Interest from 5/5/03 to

Date of Sale (\$14.98 per diem)

_____ and Costs.

Prothonotary costs

125.00

Frank Federman

Frank Federman, Esquire

Attorney for Plaintiff

One Penn Center at Suburban Station

1617 John F. Kennedy Blvd., Suite 1400

Philadelphia, PA 19103-1814

Note: Please attach description of Property.

MLD

FILED

m/11:09/04
MAY 08 2003

William A. Shaw
Prothonotary

Atty. pd. 20.00
1 CC & Lewits
w/ prop descr. to
Shff
EN
808

No. 2003-269-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

vs.

DENNIS W. CARSON

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Frank J. Hannon
Attorney for Plaintiff(s)

Address: 2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620
Where papers may be served.

CLEARFIELD COUNTY

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

No.: 2003-269-CD

vs.

DENNIS W. CARSON

**AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)**

BANK OF NEW YORK AS TRUSTEE FOR CWABS 2002-1, Plaintiff in the above action, by its attorney, Frank Federman, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620:

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

Name

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

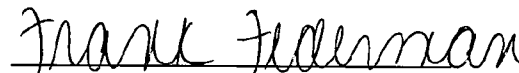
DENNIS W. CARSON

2 PRINCESS STREET, P.O. BOX 3
BRISBIN, PA. 16620

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

SAME AS ABOVE

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


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

May 1, 2003

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

CLEARFIELD COUNTY

No.: 2003-269-CD

vs.

DENNIS W. CARSON

**AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)**

BANK OF NEW YORK AS TRUSTEE FOR CWABS 2002-1, Plaintiff in the above action, by its attorney, Frank Federman, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620:

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

Name

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

None.

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

Name

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

STERLING NATIONAL MORTGAGE COMPANY, INC. 98 CUTTERMILL ROAD, SUITE 200N
GREAT NECK, NY 11021

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

Name

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

None.

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

Name

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

Clearfield County Domestic Relations

Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

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

Name

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

Commonwealth of Pennsylvania
Department of Welfare

PO Box 2675
Harrisburg, PA 17105

Tenant/Occupant

2 PRINCESS STREET, P.O. BOX 3
BRISBIN, PA. 16620

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


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

May 1, 2003

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

ATTORNEY FOR PLAINTIFF
COURT OF COMMON PLEAS
CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE
FOR CWABS 2002-1

No.: 2003-269-CD

vs.

CLEARFIELD COUNTY

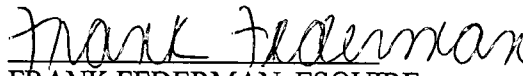
DENNIS W. CARSON

CERTIFICATION

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

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

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


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

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

**BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1**

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

vs.

NO.: 2003-269-CD

DENNIS W. CARSON

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Commonwealth of Pennsylvania:

County of DELAWARE:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

Premises: 2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620

(See legal description attached.)

Amount Due

\$91,109.70

Interest from 5/5/03 to
Date of Sale (\$14.98 per diem)

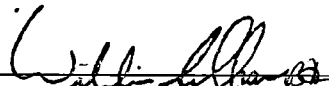
\$ _____

Total

\$ _____ Plus costs as endorsed.

Prothonotary Costs

125.00


Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated

5/6/03

(SEAL)

~~By:~~

~~Deputy~~

MLD

No. 2003-269-CD

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

BANK OF NEW YORK AS TRUSTEE FOR CWABS 2002-1

vs.

DENNIS W. CARSON

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt	<u>\$91,109.70</u>
Int. from 5/5/03 to Date of Sale (\$14.98 per diem)	<u> </u>
Costs	<u> </u>
Prothy. Pd.	<u>125.00</u>
Sheriff	<u> </u>


Attorney for Plaintiff

Address: 2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620
Where papers may be served.

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

ALL THOSE TWO (2) CERTAIN MESSUAGES TENEMENTS AND TRACTS OF LAND SITUATE, LYING AND BEING IN THE BOROUGH OF BRISBIN, COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: THE FIRST HEREOF: BEGINNING AT THE SOUTHEAST CORNER OF PRINCESS STREET AND "B" ALLEY; THENCE ALONG SAID STREET SOUTH 22 DEGREES 30 MINUTES EAST, 170 FEET TO A POST; THENCE NORTH 67 DEGREES 30 MINUTES EAST, 137 FEET TO A POST ON "D" ALLEY; THENCE ALONG SAID ALLEY NORTH 22 DEGREES 30 MINUTES WEST, 170 FEET TO A POST ON "B" ALLEY; THENCE ALONG SAID ALLEY SOUTH 67 DEGREES 30 MINUTES WEST, 137 FEET TO A POST AND THE PLACE OF BEGINNING, KNOWN AS LOT "J" IN THE GENERAL PLAN OF SAID BOROUGH.

THE SECOND THEREOF: BEGINNING AT THE SOUTHEAST CORNER OF PRINCESS STREET AND LOT "J" (AFORESAID); THENCE SOUTH 22 DEGREES 30 MINUTES EAST, 45 FEET TO A "MAPLE TREE"; THENCE NORTH 67 DEGREES 30 MINUTES EAST, 137 FEET TO A POST ON "D" ALLEY; THENCE ALONG SAID ALLEY NORTH 22 DEGREES 30 MINUTES WEST, 45 FEET TO THE NORTHEAST CORNER OF LOT "J" (AFORESAID); THENCE ALONG LOT "J" SOUTH 67 DEGREES 30 MINUTES WEST, 137 FEET TO A POST AND THE PLACE OF BEGINNING, AND KNOWN AS LOT "I" IN THE GENERAL PLAN OF SAID BOROUGH.

Vested by Special Warranty Deed, dated 08/26/01, given by Dennis W. Carson and Kathryn A. Carson to Dennis W. Carson and recorded 10/05/01 in Instrument #: 200115930

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13737

BANK OF NEW YORK

03-269-CD

VS.

CARSON, DENNIS W.

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW MARCH 12, 2003 AT 1:10 PM EST SERVED THE WITHIN COMPLAINT IN
MORTGAGE FORECLOSURE ON DENNIS W. CARSON, DEFENDANT AT
RESIDENCE, 2 PRINCESS ST., BRISBIN, CLEARFIELD COUNTY, PENNSYLVANIA
BY HANDING TO DENNIS W. CARSON A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO
HIM THE CONTENTS THEREOF.
SERVED BY: MCCLEARY/NEVLING

Return Costs

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

FILED

03/15/03
APR 01 2003

William A. Shaw
Prothonotary

Sworn to Before Me This

^{1st} Day Of April 2003
William A. Shaw
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
by Marty Harris
Chester A. Hawkins
Sheriff

FEDERMAN AND PHELAN

By: FRANK FEDERMAN, ESQUIRE

IDENTIFICATION NO. 12248

ONE PENN CENTER AT SUBURBAN STATION,

SUITE 1400

PHILADELPHIA, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

CLEARFIELD COUNTY

No.: 2003-269-CD

vs.

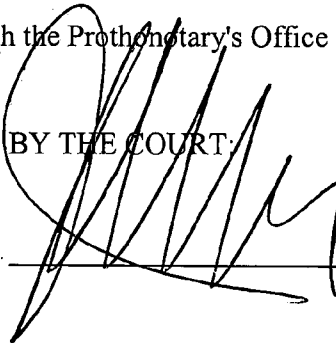
DENNIS W. CARSON

ORDER

AND NOW, this 5th day of August, 2003, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith Investigation attached thereto, it is hereby **ORDERED** that Plaintiff may obtain service of the Notice of Sale on the above captioned Defendant(s), **DENNIS W. CARSON**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to Defendant's last known address and the mortgaged premises.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

BY THE COURT:



J.

FILED

AUG 05 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

~~01:20:00~~
AUG 05 2003

William A. Shaw
Prothonotary/Clerk of Courts

1cc /
Atty Federman
WAS

FEDERMAN AND PHELAN

By: FRANK FEDERMAN, ESQUIRE

IDENTIFICATION NO. 12248

ONE PENN CENTER AT SUBURBAN STATION,
SUITE 1400

PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

CLEARFIELD COUNTY

No.: 2003-269-CD

vs.

DENNIS W. CARSON

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

Plaintiff, by its counsel, Frank Federman, Esquire, moves this Honorable Court for an Order directing service of the Notice of Sale upon the above captioned Defendant(s) by certified mail and regular mail to Defendant's last known address.

1. Attempts to serve Defendant with Notice of Sale have been unsuccessful, as indicated by the Affidavit of Service attached hereto as Exhibit "A."

2. Pursuant to Pennsylvania Rule of Civil Procedure 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Good Faith Investigation setting forth the specific inquiries made and the results therefrom is attached hereto as Exhibit "B."

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pennsylvania Rule of Civil Procedure 430 directing service of the Notice of Sale by certified mail and regular mail to Defendant's last known address and the mortgaged premises.



FRANK FEDERMAN, ESQUIRE
ATTORNEY FOR PLAINTIFF

FILED

AUG 04 2003

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

CLEARFIELD COUNTY

ACCT. #7685421

DEFENDANT

DENNIS W. CARSON

COURT NO.: 2003-269-CD

SERVE DENNIS W. CARSON AT:
2 PRINCESS STREET, P.O. BOX 3
BRISBIN, PA. 16620

TYPE OF ACTION

XX Notice of Sheriff's Sale

SALE DATE: SEPTEMBER 5, 2003

EXHIBIT "A"

SERVED

Served and made known to _____, Defendant on the ____ day of _____, 200 __, at _____, o'clock __. M., at _____, Commonwealth of Pennsylvania, in the manner described below:

___ Defendant personally served.

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

Relationship is _____.

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

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

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

___ _____ an officer of said Defendant's company.

___ Other: _____.

Description: Age _____ Height _____ Weight _____ Race _____ Sex _____ Other _____

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

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

Notary:

By:

NOT SERVED

On the 15 day of July, 2003, at 9:30 o'clock P. M., Defendant NOT FOUND because:

___ Moved ___ Unknown ___ No Answer ✓ Vacant

Other:

Sworn to and subscribed
before me this 16 day
of July, 2003.

By:

Notary:

Monica Crilly

[Signature]

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

Notarial Seal
Monica Crilly, Notary Public
City of Altoona, Blair County
My Commission Expires: Aug 27, 2005
Member, Pennsylvania Association of Notaries

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

POSTMASTER
BRISBIN, PA 16620

EXHIBIT "A"

Request for Change of Address of Box holder
Information Needed for Service of Legal Process

Please furnish the new address or the name and street address for the following:

NAME: CARSON, DENNIS W.
ADDRESS: 2 PRINCESS STREET , BRISBIN, PA, 16620
ACCOUNT NUMBER: 7685421

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for box holder information.

The following information is provided in accordance with 39 CFR 265.5(d)(6)(ii). There is no fee for providing box holder information. The fee for providing change of address information is waived in accordance with 39 CRF 265.5(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of Requester: ATTORNEY
2. Statute or regulation that empowers me to serve: N/A
3. The names of all parties to the litigation: ; CARSON, DENNIS W.
4. The court in which the case has been or will be heard: CCP, CLEARFILED COUNTY
5. The docket or other identifying number: NOT YET AVAILABLE
6. The capacity in which this individual is to be served: PARTY TO CIVIL ACTION

WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION FOR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 USC SECTION 1001)

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.



Lawrence T. Phelan, I.D #32227
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Ste 1400
Philadelphia, PA 19103-1814

-
- ___ No change of address order on file
 - ___ Moved, left no forwarding address
 - ___ Not known at address given
 - ___ No such address
 - ☒ Good as addressed
- plus use PO Box 3

FOR POST OFFICE USE ONLY

NEW ADDRESS (name & street address):

PO Box 3
Brisbin PA 16620

7160 3901 9848 0307 9658

EXHIBIT "A"

TO: DENNIS W. CARSON
P.O. BOX 3
BRISBIN, PA. 16620

SENDER: TEAMS/CZJ

REFERENCE:7685421

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	.37
	Certified Fee	2.30
	Return Receipt Fee	1.75
	Restricted Delivery	3.80
	Total Postage & Fees	8.22

US Postal Service

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

JUL 23 2008

20

USPS

DEFAULT EXPRESS SERVICES, INC.
AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: **03-7520**

Attorney Firm: **Federman & Phelan**

Subject: **Dennis W. Carson**

EXHIBIT "B"

Current Address: **2 Princess St. Brisbin, PA 16620**

Property Address: **2 Princess St. Brisbin, PA 16620**

Mailing Address: **2 Princess St. Brisbin, PA 16620**

I Steven M. Ruffo, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) on 3/3/03 and have discovered the following:

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

**Our search verified the following to be true and correct
Dennis W. Carson - 189-44-2374**

B. EMPLOYMENT SEARCH

Dennis W. Carson - Our office was unable to verify the employment information on the credit report.

C. INQUIRY OF CREDITORS

On 3/3/03 our inquiry with the creditors indicate that Dennis W. Carson reside(s) at: 2 Princess St. Brisbin, PA 16620

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

On 3/3/03 our office contacted directory assistance which indicated that Dennis W. Carson reside(s) at: 2 Princess St. Brisbin, PA 16620 - non published . Our office could not reach the mortgagor due to the non published number.

III. INQUIRY OF NEIGHBORS

Using our whitepages database we were unable to verify the current address with a neighbor.

IV. INQUIRY OF POST OFFICE

A. NATIONAL ADDRESS UPDATE

Our inquiry with the national address database on 3/3/03 indicates the following is correct: Dennis W. Carson - 2 Princess St. Brisbin, PA 16620

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry with the creditors on 3/3/03 the following is an active mailing address: no addresses on file.

V. MOTOR VEHICLE REGISTRATION

A. MOTOR VEHICLE & DMV OFFICE

Per the Pennsylvania Department of Motor Vehicle Dennis W. Carson has a valid identification registered with the state.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of Feb. 1, 2003 Vital Records has no death record on file for Dennis W. Carson.

B. PUBLIC LICENSES (PILOT, REAL ESTATE, ETC.)

Our office conducted a check on 3/3/03 for public licenses and found the following: no record on file.

C. COUNTY VOTER REGISTRATION

The Clearfield Cnty Voter reg has a registration for Dennis W. Carson

D. INTERNET

All accessible public databases have been checked and cross-referenced for the above named individual(s).

E. TAX ASSESSMENT OFFICE

On 3/3/03 our office conducted a search of the following tax records which showed the following: not applicable

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Dennis W. Carson - 3/16/54

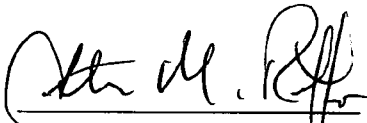
B. A.K.A.

none

EXHIBIT "B"

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

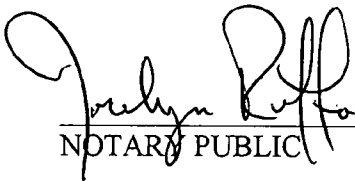
I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



AFFIANT Steven M. Ruffo
Default Express Services, INC. President

Sworn to and subscribed before me this 3 day of Mar 2003

NOTARIAL SEAL
Jocelyn Ruffo
Notary Public State of New Jersey
My Commission Expires Mar. 21, 2007


NOTARY PUBLIC

DEFAULT EXPRESS SERVICES, INC
43 WILSON DRIVE
SICKLERVILLE, NJ 08081
PHONE: (856) 740-5027
DEFAULTEXPRESS@COMCAST.NET

ABOVE INFORMATION IS OBTAINED FROM AVAILABLE PUBLIC RECORDS
AND WE ARE ONLY LIABLE FOR THE COST OF THE AFFIDAVIT

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

No.: 2003-269-CD

vs.

DENNIS W. CARSON

MEMORANDUM OF LAW

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

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


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

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

As indicated by the attached Affidavit of Service, marked hereto as Exhibit "A", the Sheriff has been unable to serve the Notice of Sale. A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Good Faith Investigation, marked Exhibit "B."

WHEREFORE, Plaintiff respectfully requests service of the Notice of Sale by certified mail and regular mail to Defendant's last known address.


Respectfully submitted:


FRANK FEDERMAN, ESQUIRE
ATTORNEY FOR PLAINTIFF

VERIFICATION

FRANK FEDERMAN, ESQUIRE, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to take this Affidavit, and that the statements made in the foregoing **MOTION FOR SERVICE OF THE NOTICE OF SALE PURSUANT TO SPECIAL ORDER OF COURT** are true and correct to the best of his knowledge, information and belief.

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


FRANK FEDERMAN, ESQUIRE
ATTORNEY FOR PLAINTIFF

FEDERMAN AND PHELAN

By: FRANK FEDERMAN, ESQUIRE

IDENTIFICATION NO. 12248

ONE PENN CENTER AT SUBURBAN STATION,
SUITE 1400

PHILADELPHIA, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

CLEARFIELD COUNTY

No.: 2003-269-CD

vs.

DENNIS W. CARSON

CERTIFICATION OF SERVICE

I, FRANK FEDERMAN, ESQUIRE, hereby certify that a copy of the Motion for Service

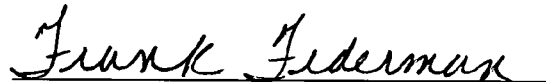
Pursuant to Special Order of Court has been sent to the individuals indicated below on

July 31, 2003.

DENNIS W. CARSON

2 PRINCESS STREET, P.O. BOX 3

BRISBIN, PA. 16620



FRANK FEDERMAN, ESQUIRE

Attorney for Plaintiff

Date: July 31, 2003

FILED *McC*
NOV 2:08 PM
AUG 04 2003 *CSB*

William A. Shaw
Prothonotary/Clerk of Courts

2

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1
7105 CORPORATE DRIVE
PLANO, TX 75024

No.: 2003-269-CD

vs.

DENNIS W. CARSON
2 PRINCESS STREET, P.O. BOX 3
BRISBIN, PA. 16620

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

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against DENNIS W. CARSON ,
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	\$89,491.61
Interest (2/24/03 to 5/5/03)	<u>1,618.09</u>
TOTAL	\$91,109.70

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


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 5/6/03


PRO PROTHY

MLD

FILED

MAY 06 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

Plaintiff

No.: 2003-269-CD

vs.

DENNIS W. CARSON

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on May 6, 2003.

By: Will Alphon ~~DEPUTY~~

If you have any questions concerning this matter please contact:

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

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

FEDERMAN AND PHELAN
BY: FRANK FEDERMAN, ESQUIRE
Identification No. 12248
1617 John F. Kennedy Boulevard Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

BANK OF NEW YORK AS TRUSTEE
FOR CW ABS 2002-1

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Plaintiff

vs.

: CLEARFIELD COUNTY

DENNIS W. CARSON

: NO. 2003-269-CD

Defendant

TO: DENNIS W. CARSON
2 PRINCESS STREET, P.O. BOX 3
BRISBIN, PA 16620

FILE COPY

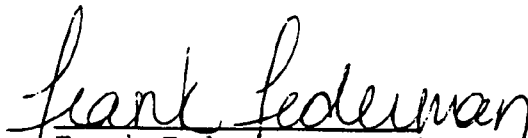
DATE OF NOTICE: APRIL 14, 2003

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

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a Judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

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


Frank Federman, Esquire
Attorney for Plaintiff

FEDERMAN AND PHELAN, LLP

By: FRANK FEDERMAN, ESQUIRE

IDENTIFICATION NO. 12248

ONE PENN CENTER AT SUBURBAN STATION

1617 JOHN F. KENNEDY BLVD., SUITE 1400

PHILADELPHIA, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE FOR

CWABS 2002-1

CLEARFIELD COUNTY

No.: 2003-269-CD

vs.

DENNIS W. CARSON

VERIFICATION OF NON-MILITARY SERVICE

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

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

(b) that defendant, DENNIS W. CARSON, is over 18 years of age, and resides at 2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620 .

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


FRANK FEDERMAN, ESQUIRE

FILED

Att. pd. 20.00

MAY 11 10:44 AM '03

MAY 06 2003

ICE & Notice to Def.
Statement to Att. g

William A. Shaw
Prosecutor

WAS

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

Bank of New York
Plaintiff(s)

No.: 2003-00269-CD

Real Debt: \$91,109.70

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Dennis W. Carson
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: May 6, 2003

Expires: May 6, 2008

Certified from the record this 6th day of May, 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

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE FOR CLEARFIELD COUNTY
CWABS 2002-1

No.: 2003-269-CD

vs.

DENNIS W. CARSON

AFFIDAVIT

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **DENNIS W. CARSON** on 8/11/03., at **2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620**, in accordance with the Order of Court dated 8/5/03.

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


FRANK FEDERMAN, ESQUIRE

Date: August 12, 2003

FILED
AUG 14 2003
William A. Shaw
Prothonotary/Clerk of Courts

FILED

M/1:30 PM
AUG 14 2003

William A. Shaw

Prothonotary/Clerk of Courts

NO
CC
KAW

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

14202

BANK OF NEW YORK S TRUSTEE FOR CW ABS 2002-1

03-269-CD

VS.

CARSON, DENNIS W.

WRIT OF EXECUTION

REAL ESTATE

SHERIFF RETURNS

NOW, JULY 15, 2003 @ 11:00 A.M. O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF DENNIS W. CARSON, DEFENDANT. THE PROPERTY WAS ALSO POSTED THIS DATE AND TIME.

A SALE DATE OF SEPTEMBER 5, 2003 WAS SET.

NOW, JULY 21, 2003 INFORMED ATTORNEY DEFENDANT HAD MOVED TO CENTRE COUNTY.

NOW, AUGUST 14, 2003 RECEIVED COPY OF ORDER TO SERVE THE DEFENDANT BY REGULAR AND CERTIFIED MAIL.

NOW, SEPTEMBER 2, 2003 MAILED BY CERTIFIED AND REGULAR MAIL TO DENNIS CARSON, DEFENDANT, AT 2 PRINCESS STREET, P. O. BOX 3, BRISBIN, PA A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY. CERTIFIED #70022410000372241562., PER COURT ORDER.

NOW, SEPTEMBER 2, 2003 RECEIVED A FAX LETTER FROM THE PALIANTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR SEPTEMBER 5, 2003 TO OCTOBER 10, 2003.

NOW, SEPTEMBER 23, 2003 RECEIVED THE CERTIFIED MAILING BACK UNCLAIMED.

NOW, OCTOBER 10, 2003 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANT THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$3,000 + COSTS.

NOW, OCTOBER 20, 2003 BILLED THE PLAINTIFF'S ATTORNEY FOR ADDITIONAL COSTS DUE.

NOW, MARCH 1, 2004 RECEIVED A CHECK FROM THE PLAINTIFF'S ATTORNEY FOR ADDITIONAL COSTS DUE.

NOW, APRIL 8, 2004 PAID COSTS FROM THE ADVANCE AND CHECK FROM THE ATTORNEY.

FILED

013:00BD
APR 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14202

BANK OF NEW YORK S TRUSTEE FOR CW ABS 2002-1

03-269-CD

VS.

CARSON, DENNIS W.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, APRIL 8, 2004 A DEED WAS FILED.

NOW, APRIL 12, 2004 RETURN WRIT AS A SALE BEING HELD ON THE PROPERTY
OF THE DEFENDANT. THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR
\$3,000.00 + COSTS.

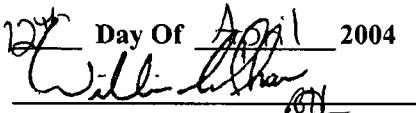
SHERIFF HAWKINS \$289.54

SURCHARGE \$20.00

PAID BY ATTORNEY

Sworn to Before Me This

12th Day Of April 2004



WILLIAM A. SHAW

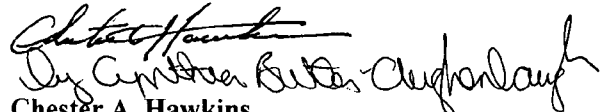
Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

So Answers,



Chester A. Hawkins

Sheriff

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

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

vs.

NO.: 2003-269-CD

DENNIS W. CARSON

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of ~~DELAWARE~~ ^{CLEARFIELD}

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

Premises: **2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620**

(See legal description attached.)

Amount Due

\$91,109.70

Interest from 5/5/03 to
Date of Sale (\$14.98 per diem)

\$ _____

Total

\$ _____ Plus costs as endorsed.

Prothonotary
costs of

125.00

William J. Alphonse ²⁰⁰¹
Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated

5/6/03

(SEAL)

By:

Received 5-6-03 @ 3:45 P.M.

Chester A. Kunkin

By Cynthia Ketter-Aughenbaugh

Deputy

MLD

No. 2003-269-CD

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

BANK OF NEW YORK AS TRUSTEE FOR CWABS 2002-1

vs.

DENNIS W. CARSON

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt	<u>\$91,109.70</u>
Int. from 5/5/03 to Date of Sale (\$14.98 per diem)	<u> </u>
Costs	<u> </u>
Prothy. Pd.	<u>125.00</u>
Sheriff	<u> </u>

Frank Federman
Attorney for Plaintiff

Address: 2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620
Where papers may be served.

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

ALL THOSE TWO (2) CERTAIN MESSUAGES TENEMENTS AND TRACTS OF LAND SITUATE, LYING AND BEING IN THE BOROUGH OF BRISBIN, COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: THE FIRST HEREOF: BEGINNING AT THE SOUTHEAST CORNER OF PRINCESS STREET AND "B" ALLEY; THENCE ALONG SAID STREET SOUTH 22 DEGREES 30 MINUTES EAST, 170 FEET TO A POST; THENCE NORTH 67 DEGREES 30 MINUTES EAST, 137 FEET TO A POST ON "D" ALLEY; THENCE ALONG SAID ALLEY NORTH 22 DEGREES 30 MINUTES WEST, 170 FEET TO A POST ON "B" ALLEY; THENCE ALONG SAID ALLEY SOUTH 67 DEGREES 30 MINUTES WEST, 137 FEET TO A POST AND THE PLACE OF BEGINNING. KNOWN AS LOT "J" IN THE GENERAL PLAN OF SAID BOROUGH.

THE SECOND THEREOF: BEGINNING AT THE SOUTHEAST CORNER OF PRINCESS STREET AND LOT "J" (AFORESAID); THENCE SOUTH 22 DEGREES 30 MINUTES EAST, 45 FEET TO A "MAPLE TREE"; THENCE NORTH 67 DEGREES 30 MINUTES EAST, 137 FEET TO A POST ON "D" ALLEY; THENCE ALONG SAID ALLEY NORTH 22 DEGREES 30 MINUTES WEST, 45 FEET TO THE NORTHEAST CORNER OF LOT "J" (AFORESAID); THENCE ALONG LOT "J" SOUTH 67 DEGREES 30 MINUTES WEST, 137 FEET TO A POST AND THE PLACE OF BEGINNING, AND KNOWN AS LOT "I" IN THE GENERAL PLAN OF SAID BOROUGH.

Vested by Special Warranty Deed, dated 08/26/01, given by Dennis W. Carson and Kathryn A. Carson to Dennis W. Carson and recorded 10/05/01 in Instrument #: 200115930

REAL ESTATE SALE SCHEDULE OF DISTRIBUTION

NAME CARSON NO. 03-269-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 DENNIS W. CARSON
to public venue or outcry at which time and place I sold the same to BANK OF NEW YORK AS
TRUSTEE FOR CWABS 2002-1
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	12.24	
LEVY	15.00	
MILEAGE	12.24	
POSTING	15.00	
CSDS	10.00	
COMMISSION 2%	60.00	
POSTAGE	10.06	
HANDBILLS	15.00	
DISTRIBUTION	25.00	
ADVERTISING	15.00	
ADD'L SERVICE		
DEED	30.00	
ADD'L POSTING		
ADD'L MILEAGE		
ADD'L LEVY		
BID AMOUNT		3,000.00
RETURNS/DEPUTIZE		
COPIES/BILLING	15.00	
	5.00	
BILLING/PHONE/FAX	20.00	
TOTAL SHERIFF COSTS	289.54	

DEED COSTS:

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

PLAINTIFF COSTS, DEBT & INTEREST:

DEBT-AMOUNT DUE	91,109.70
INTEREST FROM 5/5/03	
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	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	

TOTAL DEBT & INTEREST

91,129.70

COSTS:

ADVERTISING	337.05
TAXES - collector	2,033.88
TAXES - tax claim DEC	2,171.82
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	28.50
SHERIFF COSTS	289.54
LEGAL JOURNAL AD	185.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	293.80

TOTAL COSTS

5,609.59

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

By: FRANK FEDERMAN, ESQUIRE

IDENTIFICATION NO. 12248

ONE PENN CENTER AT SUBURBAN STATION,
SUITE 1400

PHILADELPHIA, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE FOR
CWABS 2002-1

CLEARFIELD COUNTY

No.: 2003-269-CD

vs.

DENNIS W. CARSON

ORDER

AND NOW, this 5th day of August, 2003, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith Investigation attached thereto, it is hereby **ORDERED** that Plaintiff may obtain service of the Notice of Sale on the above captioned Defendant(s), **DENNIS W. CARSON**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to Defendant's last known address and the mortgaged premises.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

President Judge

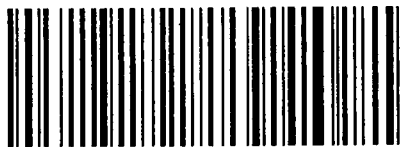
FILED

AUG 05 2003

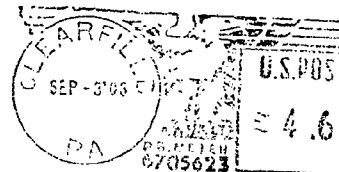
William A. Shaw
Prothonotary/Clerk of Courts



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



7002 2410 0003 7224 1562



DENNIS W. CARSON NAME 9-8-03
2 PRINCESS STREET 1st Notice
P. O. BOX 3 2nd Notice 9-9-03
BRISBIN, PA 16620 Return 9-19-03

☐ A ☐ INSUFFICIENT ADDRESS
☐ C ☐ ATTEMPTED NOT KNOWN
☐ S ☐ NO SUCH NUMBER/STREET
☐ NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD

UNCLIP
RETURN

Received 9-23-03

16620+0003

7002 2410 0003 7224 1562

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.05
Sent To Dennis W. Carson	
Street, Apt. No., or PO Box No. 2 Princess Street, P. O. Box 3	
City, State, ZIP+4® Brisbin, PA 16620	
PS Form 3800, June 2002	
See Reverse for Instructions	

Postmark: CLEARFIELD PA 16830 SEP 3 2003 USPS

CERTIFIED MAIL
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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:
Dennis W. Carson
2 Princess Street
P. O. Box 3
Brisbin, PA 16620

COMPLETE THIS SECTION ON DELIVERY

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

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)
PS Form 3811, August 2001

7002 2410 0003 7224 1562

102595-02-M-1035

Domestic Return Receipt

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

Dan G. Trautz
Judgment Department, Ext. 1298

Representing Lenders in
Pennsylvania and New Jersey

September 2, 2003

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

ATTENTION: CINDY (814) 765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR CWAB; 2002-1 v. DENNIS W.
CARSON
No. 2003-269-CD
2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16520

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property which is
scheduled for September 5, 2003.

The property is to be relisted for the October 10, 2003 Sheriff's Sale.

Very truly yours,


Dan G. Trautz

VIA TELECOPY (814) 765-5915

CC: DENNIS W. CARSON
2 PRINCESS STREET,
P.O. BOX 3
BRISBIN, PA. 16620