

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

v.

TERM

NO. 2003-269-CB

CLEARFIELD COUNTY

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

**FILED**

FEB 26 2003  
m/ 11-15/w  
William A. Shaw  
Prothonotary  
Lent to Sheriff

(2 was)

**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:

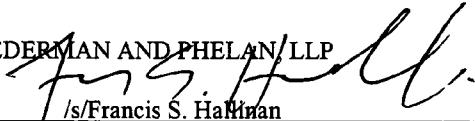
Principal Balance	\$83,721.79
Interest	3,350.13
10/01/2002 through 02/24/2003	
(Per Diem \$22.79)	
Attorney's Fees	1,250.00
Cumulative Late Charges	108.69
02/01/2002 to 02/01/2003	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 88,980.61
Escrow	
Credit	0.00
Deficit	511.00
Subtotal	<u>\$ 511.00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

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.

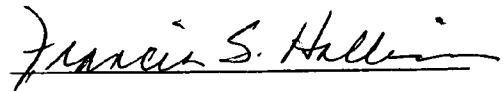
BEING the same premises which Ednie Fuels, Inc., a Pennsylvania Corporation, by its deed dated May 21, 1984, and recorded on May 21, 1984, in Clearfield County Record Book 947, at page 184, granted and conveyed to Dennis W. Carson and Kathryn A. Carson, his wife, the Grantors herein.

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: 2/24/02

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

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

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vs.

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**DENNIS W. CARSON**

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

**No. 2003-269-CD**

**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	<u>\$91,109.70</u>
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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**  
MAY 06 2003  
Atty pd. 20.00  
1 CC & warrants  
w/ prop desc to  
Shff  
W.A. Shaw  
Prothonotary  
6/28

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

---

PRAECEIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

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Mark Mannan  
Attorney for Plaintiff(s)

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

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. 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 Praecepice 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:

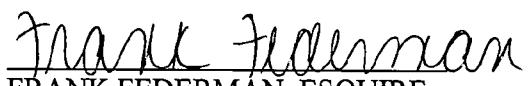
1. Name and address of Owner(s) or reputed Owner(s):

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 Praeclipe 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)
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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)
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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)
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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)
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Clearfield County Domestic Relations	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
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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)
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Commonwealth of Pennsylvania Department of Welfare	PO Box 2675 Harrisburg, PA 17105
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Tenant/Occupant	2 PRINCESS STREET, P.O. BOX 3 BRISBIN, PA. 16620
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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.

DENNIS W. CARSON

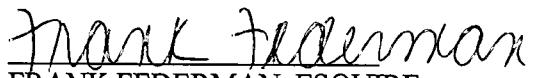
CLEARFIELD COUNTY

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

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BANK OF NEW YORK AS TRUSTEE FOR  
CWABS 2002-1

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vs.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

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	<u>\$91,109.70</u>
Interest from 5/5/03 to Date of Sale (\$14.98 per diem)	<u>\$ _____</u>
Total	<u>\$ _____</u> Plus costs as endorsed.
	<i>Prothonotary Costs</i> <u>125.00</u>

*Willie H. Gandy*  
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)**

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Real Debt \$91,109.70

Int. from 5/5/03  
to Date of Sale (\$14.98 per diem) \_\_\_\_\_

Costs \_\_\_\_\_

Prothy. Pd. 125.00

Sheriff \_\_\_\_\_

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

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**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**

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**Return Costs**

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

**FILED**  
03/14/03  
APR 01 2003  
E  
KES  
NO CC

William A. Shaw  
Prothonotary

**Sworn to Before Me This**

1<sup>st</sup> 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 Maury 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 5<sup>th</sup> 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

08/22/03  
AUG 05 2003  
Amy Tiderman  
Clerk

William A. Shaw  
Prothonotary/Clerk of Courts

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*  
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****EXHIBIT "A"****XX Notice of Sheriff's Sale  
SALE DATE: SEPTEMBER 5, 2003****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**

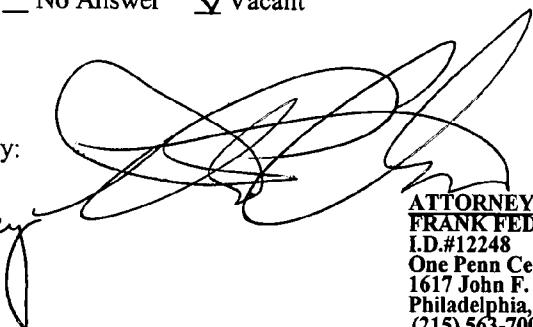
On the 15 day of July, 2003, at 9:30 o'clock P. M., Defendant NOT FOUND because:

Moved  Unknown  No Answer  Vacant

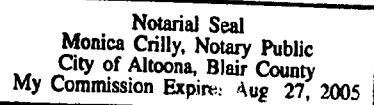
Other:

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

Notary:



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



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 CFR 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, CLEARFIELD 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:** TEAM5/CZJ

**REFERENCE:** 7685421

PS Form 3800, June 2000

RETURN	Postage	.37
RECEIPT	Certified Fee	2.30
SERVICE	Return Receipt Fee	1.75
	Restricted Delivery	350
Total Postage & Fees		87.42

US Postal Service

**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do Not Use for International Mail



**DEFAULT EXPRESS SERVICES, INC.**  
**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 03-7520

Attorney Firm: **Federman & Phelan**

Subject: **Dennis W. Carson**

Current Address: 2 Princess St. Brisbin, PA 16620

Property Address: 2 Princess St. Brisbin, PA 16620

Mailing Address: 2 Princess St. Brisbin, PA 16620

**EXHIBIT "B"**

**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

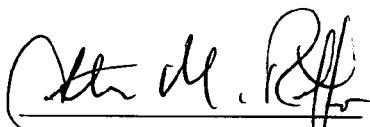
A. DATE OF BIRTH  
Dennis W. Carson - 3/16/54

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

BANK OF NEW YORK AS TRUSTEE FOR  
CWABS 2002-1

vs.

DENNIS W. CARSON

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY

No.: 2003-269-CD

**MEMORANDUM OF LAW**

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

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

Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address." Adoption of Walker, 468 Pa. 165, 360 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*  
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*  
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 NO  
2003-08-14 cc  
AUG 04 2003  
FBI  
William A. Shaw  
Prothonotary/Clerk of Courts

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>
<b>TOTAL</b>	<b>\$91,109.70</b>

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

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: Willie Khan 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

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

Plaintiff

vs.

DENNIS W. CARSON

Defendant

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

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*  
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 CLEARFIELD COUNTY  
CWABS 2002-1  
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'y pd. 20.00

11:04 AM  
MAY 06 2003

Notice to Def.  
Statement to Att'y

William A. Shaw  
Prothonotary

*CSW*

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  
FRANK FEDERMAN, ESQUIRE

Date: August 12, 2003

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

FILED NO  
M 1:36-034 CC  
AUG 14 2003  
KRW

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, 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.

FILED  
013:00 BCL  
APR 12 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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 PLAINTIFF'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.

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

12<sup>th</sup> Day Of April 2004  
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 Cynthia Butler Coughenough  
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:

~~CLEARFIELD~~  
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	<u>\$91,109.70</u>
Interest from 5/5/03 to Date of Sale (\$14.98 per diem)	<u>\$</u> _____
Total	<u>\$</u> _____ Plus costs as endorsed.

*Prothonotary  
costs* 125.00

*C. A. Hawkins*  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated 5/6/03  
(SEAL)

By:

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

*Chester A. Hawkins*

*By Cynthia Butter Augenthaler*

*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 \$91,109.70

Int. from 5/5/03 \_\_\_\_\_  
to Date of Sale (\$14.98 per diem) \_\_\_\_\_

Costs \_\_\_\_\_

Prothy. Pd. 125.00

Sheriff \_\_\_\_\_

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:**

**PLAINTIFF COSTS, DEBT & INTEREST:**

RDR	15.00	DEBT-AMOUNT DUE	91,109.70
SERVICE	15.00	INTEREST FROM 5/5/03	
MILEAGE	12.24	TO BE ADDED TO SALE DATE	
LEVY	15.00	ATTORNEY FEES	
MILEAGE	12.24	PROTH. SATISFACTION	
POSTING	15.00	LATE CHARGES & FEES	
CSDS	10.00	COST OF SUIT -TO BE ADDED	
COMMISSION 2%	60.00	FORECLOSURE FEES/ESCROW DEFICIT	
POSTAGE	10.06	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	20.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
DEED	30.00		
ADD'L POSTING		<b>TOTAL DEBT &amp; INTEREST</b>	<b>91,129.70</b>
ADD'L MILEAGE			
ADD'L LEVY			
BID AMOUNT	3,000.00	<b>COSTS:</b>	
RETURNS/DEPUTIZE		ADVERTISING	337.05
COPIES/BILLING	15.00	TAXES - collector	2,033.88
	5.00	TAXES - tax claim	2,171.82
BILLING/PHONE/FAX	20.00	DEC DUE	
<b>TOTAL SHERIFF COSTS</b>	<b>289.54</b>	LIEN SEARCH	100.00
<b>DEED COSTS:</b>		ACKNOWLEDGEMENT	5.00
ACKNOWLEDGEMENT	5.00	DEED COSTS	28.50
REGISTER & RECORDER	28.50	SHERIFF COSTS	289.54
TRANSFER TAX 2%		LEGAL JOURNAL AD	185.00
<b>TOTAL DEED COSTS</b>	<b>28.50</b>	PROTHONOTARY	125.00
		MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	293.80
		<b>TOTAL COSTS</b>	<b>5,609.59</b>

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE WITHIN TEN (10) DAYS FROM THIS DATE.

CHESTER A. HAWKINS, Sheriff

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 5<sup>th</sup> 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

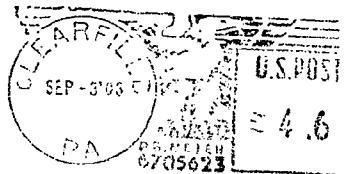
William A. Shaw  
Prothonotary/Clerk of Courts



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



7002 2410 0003 7224 1562



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

NAME 9-0-03  
1st Notice

2nd Notice 9-9-03  
Return 9-19-03

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

UNCLIP



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 <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ .60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65
<b>Sent To</b> Dennis W. Carson Street, Apt. No. or PO Box No. 2 Princess Street, P. O. Box 3 City, State, Zip Brisbin, PA 16620	
PS Form 3800, June 2002	
See Reverse for Instructions	

CLEARFIELD PA 16830 Postmark  
3 2003 SEP 3 2003  
USPS

**MAILER**

OF THE MAILER AT THE POST OFFICE TO THE RECIPIENT

PLATE SEALS ARE FOR USE IN THE MAIL

**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  
Brishbin, PA 16620

**COMPLETE THIS SECTION ON DELIVERY**

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

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

2. Article Number **7002 2410 0003 7224 1562**  
(Transfer from service label)

102595-02-M-1035

Domestic Return Receipt

PS Form 3811, August 2001

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

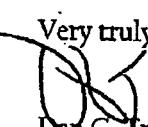
Re: **BANK OF NEW YORK AS TRUSTEE FOR CWABS 2002-1 v. DENNIS W. CARSON**  
No. 2003-269-CD  
**2 PRINCESS STREET, P.O. BOX 3, BRISBIN, PA. 16620**

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
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