

03-668-CD
TERESA M. BALL vs. FEDERAL HOME LOAN MORTGAGE CORPORATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

COPY

TERESA M. BALL,
Plaintiff

vs.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

No. 2003 - 668 - C0

Type of Pleading: Complaint

Filed on behalf of: Teresa M. Ball,
Plaintiff

Counsel of Record for this party:

THE HOPKINS LAW FIRM

DAVID J. HOPKINS, ESQUIRE

Attorney at Law

Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE

Attorney at Law

Supreme Court No. 83998

900 Beaver Drive

DuBois, Pennsylvania 15801

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

MAY 02 2003

Attest.

Will L. R.
Prothonotary/
Clerk of Courts

Nothing is going
to be done with
this at this
time. Thanks.

m—

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,

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900 Beaver Drive

DuBois, Pennsylvania 15801

FILED

MAY 02 2003

0/12:30 /ms

William A. Shaw

Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,

Plaintiff

vs.

No.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

NOTICE

TO: Defendant

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 Amended Complaint is 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.

Office of the Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 (ext. 5982)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,	:	
Plaintiff	:	
	:	
vs.	:	No.
	:	
FEDERAL HOME LOAN	:	
MORTGAGE CORPORATION,	:	
Defendant	:	

COMPLAINT

AND NOW, comes Plaintiff, Teresa M. Ball, by and through her attorneys, The Hopkins Law Firm, and files the within Complaint and in support thereof avers as follows:

1. Plaintiff, Teresa M. Ball, is an adult individual who resides at 127 East Weber Avenue, DuBois, Pennsylvania 15801.

2. Defendant, Federal Home Loan Mortgage Corporation, to the best knowledge, information and belief of Plaintiff, did maintain a business address at 2001 Jefferson Davis Highway, Suite 901, P.O. Box 2408, Arlington, Virginia 22202-1008 pursuant to an Assignment of Mortgage as set forth in the Office of the Recorder of Deeds of Clearfield County in Volume 1037, at page 329.

3. This action concerns property generally known as 418 Spring Avenue, DuBois, Pennsylvania (hereinafter "the Property") which is more fully described with a metes and bounds description on Exhibit "A" of Plaintiff's Complaint.

4. The Property was acquired by David and Marie Shaw by Deed dated June 14, 1985 and recorded in the office of the Recorder of Deeds of Clearfield County in Volume 1019 at page 119.

5. On the same date, David L. Shaw and Marie L. Shaw, husband and wife, mortgaged the Property to Brokers Mortgage Service, Inc. with a stated address of 235 Whitehorse Pike, West Collingswood, NJ 08107 in the amount of \$27,000.00.

6. By document dated June 14, 1985, Brokers Mortgage Service, Inc., assigned the aforesaid mortgage to Federal Home Loan Mortgage Corporation. Said Assignment was recorded in the Office of the Recorder of Deeds in Volume 1037, at page 329.

7. On August 27, 1993, David L. Shaw and Marie L. Shaw borrowed \$26,000.00 from Deposit Bank, 2 East Long Avenue, DuBois, PA 15801 and mortgaged the Property. As part of the aforesaid transaction, Deposit Bank paid off a mortgage loan to Brokers Mortgage Service, Inc. Set forth as Exhibit "B" is the August 1, 1997 Affidavit of Claudia Jacobson of Deposit Bank stating the mortgage loan had been paid off.

8. Since 1993, no mortgage foreclosure actions have been brought by Mortgage Brokers Service, Inc. or Federal Home Loan Mortgage Corporation.

9. Plaintiff has written to the Federal Home Loan Mortgage Corporation at its address, 21550 Beaumead Circle, Ashburn, VA 20147 requesting the mortgage to be satisfied. Plaintiff has been informed that Federal Home Loan Mortgage Corporation has no record of the mortgage.

10. Inasmuch as Deposit Bank confirmed it paid off the Federal Home Loan Mortgage Corporation loan in 1993 and no action to foreclose or otherwise collect upon its mortgage has been instituted since 1993, Plaintiff respectfully requests this Honorable

Court to cause the mortgage to be marked as satisfied and release the mortgage from its encumbrance of 418 Spring Avenue, DuBois, PA 15801.

WHEREFORE, Plaintiff requests the Court order the June 14, 1984 mortgage from David L. Shaw and Marie L. Shaw, his wife, to Brokers Mortgage Service, Inc., set forth in the Clearfield County Office of the Recorder of Deeds in Volume 1019 at page 120 and later assigned to Federal Home Loan Mortgage Corporation by Assignment recorded in the Clearfield County Office of Recorder of Deeds in Volume 1037, at page 329 be marked satisfied and to release property known as 418 Spring Avenue and described on Exhibit "A" be released from the mortgage.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiff

EXHIBIT "A"

ALL that certain parcel or piece of land, lying situated in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron spike, said iron spike set along the Southern margin of Spring Avenue and at the edge of a concrete walk on said margin;

THENCE North 65° 35' West a distance of 80 feet along the margin of said Spring Avenue to an iron pin;

THENCE North 26° 25' East, a distance of 150.85 feet to another iron pin;

THENCE South 65° 35' East, a distance of 80.25 feet to an iron spike;

THENCE South 26° 25' West, a distance of 151 feet to a point on the concrete walk and margin of Spring avenue, and the place of beginning.

BEING lot No. 6 and part of Lot No. 6½ in the Mary Love's Addition to the City of DuBois, and having erected thereon a two story frame dwelling.

Z-21-03

BDB

AFFIDAVIT

I, Claudia Jacobson, being duly sworn according to law, dispose and says: on or about August 30, 1993, David L. Shaw and Marie L. Shaw refinanced a mortgage loan with Deposit Bank and in that transaction Deposit Bank paid off a mortgage loan to Brokers Mortgage Service, Inc. which was assigned to Federal Home Mortgage Corporation. For whatever reason, the mortgage was never satisfied and Federal Home Mortgage Corporation is now out of existence. To the best of my knowledge no claim has ever been made against an owner of the property by any mortgagee and the loan has been paid in full.

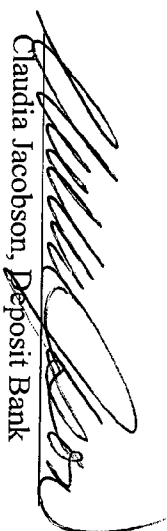
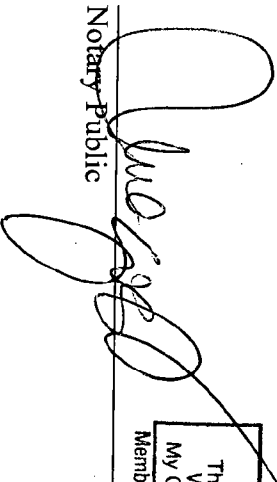
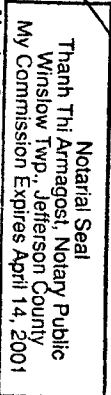

Claudia Jacobson, Deposit Bank

EXHIBIT "B"

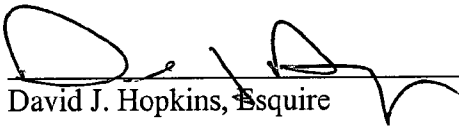
Sworn to and subscribed before
me this 1 day of August, 1997.



Notary Public

Notarial Seal
Thanh Thi Armagost, Notary Public
Winslow Twp., Jefferson County
My Commission Expires April 14, 2001
Member, Pennsylvania Association of Notaries

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.


David J. Hopkins, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,
Plaintiff

vs.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

:
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:
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:
:
:

No. 2003 - 668 - 00

ORDER

On this _____ day of May, 2003, it appearing Plaintiff having filed a Complaint requesting a mortgage dated June 14, 1985 between David L. Shaw and Marie L. Shaw, his wife, and Brokers Mortgage Service, Inc., recorded in the Clearfield County Recorder of Deeds Office in Volume 1019, at page 120 and later assigned to Federal Home Loan Mortgage Corporation by Assignment of Mortgage recorded in the Office of the Record of Deeds of Clearfield County in Volume 1037 at 329 be satisfied and no answer having been filed by the Federal Home Loan Mortgage Corporation;

It is hereby ORDERED and ADJUDGED the mortgage is hereby marked satisfied and the property generally known as 418 Spring Avenue, DuBois, Pennsylvania is more fully described on Exhibit "A" is hereby freed of the encumbrance of the mortgage.

BY THE COURT

JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,
Plaintiff

vs.

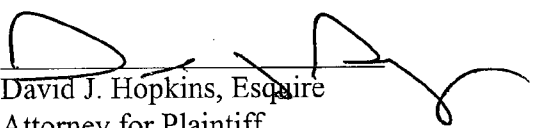
FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

No. 2003-668 C.D.

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment in favor of Plaintiff, Teresa M. Ball, and against Defendant Federal Home Loan Mortgage Corporation for failure to file within the required time an answer to a Complaint which contained a Notice to Defend.


David J. Hopkins, Esquire
Attorney for Plaintiff

FILED

JUN 27 2003

William A. Shaw
Prothonotary


FILED

012:21:201
JUN 27 2003

Atty pd. 20.00

No CC

Notice to Def

 William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,
Plaintiff

vs.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

No. 2003-668 C.D.

COPY

TO: FEDERAL HOME LOAN MORTGAGE CORPORATION
21550 Beaumeade Circle
Ashburn, VA 20147

JUDGMENT NOTICE

Please take note that judgment has been entered against you satisfying a mortgage of
record.



Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,
Plaintiff

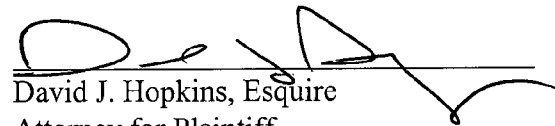
vs.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

No. 2003-668 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Complaint filed on behalf of Plaintiff, Teresa Ball, was forwarded on the 16th day of May, 2003, by certified mail, article number 7001 1940 0006 2175 7431, addressed to Federal Home Loan Mortgage Corporation, 21550 Beaumeade Circle, Ashburn, VA 20147. A "10-day Notice" as required by Pa.R.C.P. 237.1 was mailed to the Defendant on June 13, 2003.



David J. Hopkins, Esquire
Attorney for Plaintiff
Supreme Court No. 42519

FILED

JUN 27 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,

Plaintiff

vs.

No.2003-668 C.D.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

DATE OF NOTICE: June 13, 2003


TO: Federal Home Loan Mortgage Corporation
21550 Beaumeade Circle
Ashburn, VA 20147

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641


DAVID J. HOPKINS, ESQUIRE
Attorney for Plaintiff
Supreme Court No. 42519
900 Beaver Drive
DuBois, PA 15801
(814) 375-0300

FILED *no cc*

012:21
JUN 27 2003

W William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

TERESA M. BALL,
Plaintiff

vs.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
Defendant

No.2003-668 C.D.

FILED

JUN 30 2003

William A. Shaw
Prothonotary

ORDER

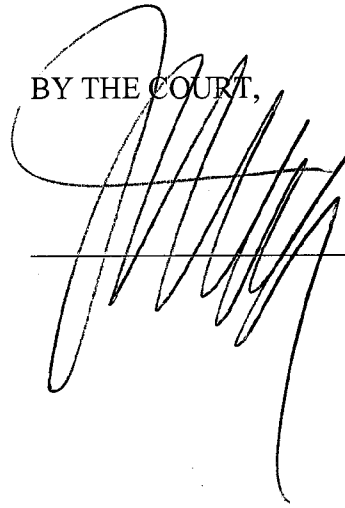
AND NOW, this 30th day of June, 2003; it appearing that service of the Complaint to mark a mortgage satisfied in the above stated action was served upon Defendant, Federal Home Loan Mortgage Corporation, pursuant to the Rules of Civil Procedure; and a "10-day Notice" pursuant to Pa.R.C.P. 237.1 was served upon the Defendant pursuant to the Rules of Civil Procedure; and a Default Judgment having been entered against the Federal Home Loan Mortgage Corporation as a result of having failed to answer this action; it is hereby ORDERED and DECREED:

1. The Mortgage given by David L. Shaw and Marie L. Shaw, husband and wife, to Brokers Mortgage Service, Inc. and assigned to Federal Home Loan Mortgage Corporation by assignment recorded in the Office of the Recorder of Deeds in Volume 1037, at page 329 is hereby marked as satisfied and the property set forth on Exhibit "A" of this Order and generally known as 418 Spring Avenue, DuBois, Pennsylvania is hereby released from the encumbrance of said mortgage;

2. These proceedings or any authenticated copy thereof shall at all times hereinafter be taken as evidence of the facts declared and established hereby;

3. A certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and vertical strokes, positioned over the signature line.

JUDGE

EXHIBIT "A"

ALL that certain parcel or piece of land, lying situated in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron spike, said iron spike set along the Southern margin of Spring Avenue and at the edge of a concrete walk on said margin;

THENCE North $65^{\circ} 35'$ West a distance of 80 feet along the margin of said Spring Avenue to an iron pin;

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THENCE South $65^{\circ} 35'$ East, a distance of 80.25 feet to an iron spike;

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BEING lot No. 6 and part of Lot No. $6\frac{1}{2}$ in the Mary Love's Addition to the City of DuBois, and having erected thereon a two story frame dwelling.

Z-21-03

BDB

FILED

JUN 30 2003

012:01 401

ICC
g
Att'y Hopkins
HKS

William A. Shaw
Prothonotary