

03-894-CD

MANUFACTURERS TRADERS TRUST CO. vs. TIMOTHY A. KUNY, et al

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

ATTORNEY FOR PLAINTIFF

MANUFACTURERS & TRADERS TRUST COMPANY,
S/B/M TO KEYSTONE FINANCIAL BANK, N.A., D/B/A
KEYSTONE FINANCIAL MORTGAGE
ONE FOUNTAIN PLAZA
6TH FLOOR
BUFFALO, NY 14203

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 03-894-CJ

Plaintiff
v.

CLEARFIELD COUNTY

TIMOTHY A. KUNY
RR1 BOX 158
COALPORT, PA 16627

FILED

JUN 18 2003

RHONDA A. DELOZIER
RR1 BOX 158
COALPORT, PA 16627

Defendant(s)

William A. Shaw
Prothonotary

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

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

MANUFACTURERS & TRADERS TRUST COMPANY,
S/B/M TO KEYSTONE FINANCIAL BANK, N.A.,
D/B/A KEYSTONE FINANCIAL MORTGAGE
ONE FOUNTAIN PLAZA
6TH FLOOR
BUFFALO, NY 14203

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

TIMOTHY A. KUNY
RR1 BOX 158
COALPORT, PA 16627

RHONDA A. DELOZIER
RR1 BOX 158
COALPORT, PA 16627

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

3. On 11/05/1999 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book No. 1999, Page 8421.
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 02/01/2003 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.

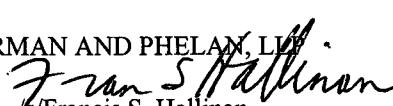
6. The following amounts are due on the mortgage:

Principal Balance	\$37,419.78
Interest	1,463.28
01/01/2003 through 06/17/2003	
(Per Diem \$8.71)	
Attorney's Fees	1,250.00
Cumulative Late Charges	58.92
11/05/1999 to 06/17/2003	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 40,741.98
Escrow	
Credit	- 22.34
Deficit	0.00
Subtotal	<u>\$- 22.34</u>
TOTAL	\$ 40,719.64

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 40,719.64, together with interest from 06/17/2003 at the rate of \$8.71 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: Francis S. Hallinan
 FRANK FEDERMAN, ESQUIRE
 LAWRENCE T. PHELAN, ESQUIRE
 FRANCIS S. HALLINAN, ESQUIRE
 Attorneys for Plaintiff

ALL THAT CERTAIN PARCEL OF LAND SITUATE IN THE TOWNSHIP OF BECCARIA, COUNTY OF CLEARFIELD, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POST ON THE RIGHT-OF-WAY OF THE PUBLIC ROAD, AND ON LINE OF LAND NOW OR FORMERLY OF MATTHEW ESTATE; THENCE BY LAND NOW OR FORMERLY OF MATTHEW ESTATE, NORTH 40° WEST, 25 RODS TO A POST; THENCE BY LANDS NOW OR FORMERLY OF W.L. & COAL CO., NORTH 22° EAST 31 RODS TO A POST, THENCE BY LAND NOW OR FORMERLY OF THE SAID W. L. & COAL CO., SOUTH 40° EAST 27.8 RODS TO A POST ON THE RIGHT-OF-WAY OF SAID PUBLIC ROAD; THENCE BY RIGHT-OF-WAY OF SAID PUBLIC ROAD, SOUTH 22° WEST 31 RODS TO A POST AND PLACE OF BEGINNING. CONTAINING FIVE ACRES AND EIGHTEEN PERCHES, BE THE SAME FOR OR LESS.

BEING THE SAME PROPERTY CONVEYED TO TIMOTHY A KUNY AND RHONDA A. DELOZIER, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, NOT AS TENANTS IN COMMON BY DEED FROM ELAINE SLIPPY, AS EXECUTRIX OF THE ESTATE OF WALTER SOMOSKY, DECEASED, RECORDED 11/05/1999 IN DEED BOOK PAGE 199918420

TAX ID NUMBER 101-H17-3

ORDER NUMBER 1411747

PREMISES BEING: RRI BOX 158.

VERIFICATION

DEBRA J. BIFARO states that she is VICE PRESIDENT of M & T MORTGAGE CORPORATION mortgage servicing agent for Plaintiff in this matter, that she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of her knowledge, information and belief. 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.



DATE: 6-13-03

In The Court of Common Pleas of Clearfield County, Pennsylvania

MANUFACTURERS & TRADERS TRUST COMPANY

VS.

KUNY, TIMOTHY A. & RHONDA A. DELOZIER

COMPLAINT IN MORTGAGE FORECLOSURE

Sheriff Docket #

14208

03-894-CD

SHERIFF RETURNS

NOW JULY 15, 2003 AT 2:15 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RHONDA A. DELOZIER, DEFENDANT AT RESIDENCE, RR#1 BOX 158, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RHONDA DELOZIER KUNY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: NEVLING/MCCLEARY

NOW JULY 15, 2003 AT 2:15 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TMIOTHY A. KUNY, DEFENDANT AT RESIDENCE, RR#1 BOX 158, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RHONDA DELOZIER KUNY, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: NEVLING/MCCLEARY

Return Costs

Cost	Description
64.69	SHERIFF HAWKINS PAID BY: ATTY CK# 281946
20.00	SURCHARGE PAID BY: ATTY CK# 285402

Sworn to Before Me This

30th Day Of July 2003

Will. A. Shaw

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

So Answers,

Chester A. Hawkins
My Mauly Hawkins

Chester A. Hawkins
Sheriff

FILED

013-00-54
JUL 30 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A
KEYSTONE FINANCIAL MORTGAGE
ONE FOUNTAIN PLAZA, 6TH FLOOR
BUFFALO, NY 14203

No.: 03-894-CD

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER
RR1 BOX 158
COALPORT, PA 16627

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

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against TIMOTHY A. KUNY and RHONDA A. DELOZIER, 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	\$40,719.64
Interest (6/17/03 to 8/18/03)	<u>548.73</u>
TOTAL	\$41,268.37

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: August 19, 2003



W. A. Shaw 301

PRO PROTHY

SZB

FILED

AUG 19 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A
KEYSTONE FINANCIAL MORTGAGE

No.: 03-894-CD

Plaintiff

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on August 19, 2003.

By: _____ DEPUTY

If you have any questions concerning this matter please contact:



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, LLP
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

ATTORNEY FOR PLAINTIFF

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE FINANCIAL
BANK, N.A., D/B/A KEYSTONE FINANCIAL
MORTGAGE

Plaintiff

Vs.

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 03-894-CD

TIMOTHY A. KUNY
RHONDA A. DELOZIER
Defendants

TO: TIMOTHY A. KUNY
RR1 BOX 158
COALPORT, PA 16627

DATE OF NOTICE: AUGUST 5, 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
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

FEDERMAN AND PHELAN, LLP
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

ATTORNEY FOR PLAINTIFF

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE FINANCIAL
BANK, N.A., D/B/A KEYSTONE FINANCIAL
MORTGAGE

: COURT OF COMMON PLEAS

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

TIMOTHY A. KUNY
RHONDA A. DELOZIER
Defendants

: NO. 03-894-CD

TO: RHONDA A. DELOZIER
RR1 BOX 158
COALPORT, PA 16627

DATE OF NOTICE: AUGUST 5, 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

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

Frank Federman
FRANK FEDERMAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys 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

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A
KEYSTONE FINANCIAL MORTGAGE

CLEARFIELD COUNTY

No.: 03-894-CD

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

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, TIMOTHY A. KUNY, is over 18 years of age, and resides at RR1 BOX 158, COALPORT, PA 16627 .

(c) that defendant, RHONDA A. DELOZIER, is over 18 years of age, and resides at RR1 BOX 158, COALPORT, PA 16627.

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


FRANK FEDERMAN, ESQUIRE

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

COPY

Manufacturers & Traders Trust Company
Plaintiff(s)

No.: 2003-00894-CD

Real Debt: \$41,268.37

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Timothy A. Kuny
Rhonda A. Delozier
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 19, 2003

Expires: August 19, 2008

Certified from the record this 19th day of August, 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

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

**MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A KEYSTONE
FINANCIAL MORTGAGE**

vs.

**TIMOTHY A. KUNY
RHONDA A. DELOZIER**

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

No. 03-894-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>\$41,268.37</u>

Interest from 8/18/03 to	
Date of Sale (\$6.78 per diem)	

and Costs.

125.00 Prothonotary costs

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.

SZB

FILED

AUG 19 2003

*William A. Shaw
Prothonotary/Clerk of Courts*

No. 03-894-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE FINANCIAL
BANK, N.A., D/B/A KEYSTONE FINANCIAL
MORTGAGE

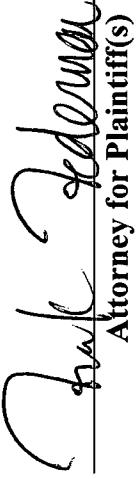
vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

FILED Aug 20 2003
M 12:30 PM
AUG 19 2003
, CC & Leinwand
Property deser.

William A. Shaw
Prothonotary/Clerk of Courts

PRAECLPICE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)


John J. DeJarnett

Attorney for Plaintiff(s)

Address: RR1 BOX 158, COALPORT, PA 16627
RR1 BOX 158, COALPORT, PA 16627
Where papers may be served.

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

MANUFACTURERS & TRADERS
TRUST COMPANY, S/B/M TO
KEYSTONE FINANCIAL BANK, N.A.,
D/B/A KEYSTONE FINANCIAL
MORTGAGE

No.: 03-894-CD

CLEARFIELD COUNTY

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

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

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A
KEYSTONE FINANCIAL MORTGAGE

CLEARFIELD COUNTY

No.: 03-894-CD

VS.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO KEYSTONE FINANCIAL BANK, N.A., D/B/A KEYSTONE FINANCIAL MORTGAGE, 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 RR1 BOX 158, COALPORT, PA 16627:

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

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

TIMOTHY A. KUNY RR1 BOX 158
COALPORT, PA 16627

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
FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

August 18, 2003

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A
KEYSTONE FINANCIAL MORTGAGE

CLEARFIELD COUNTY

No.: 03-894-CD

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO KEYSTONE FINANCIAL BANK, N.A., D/B/A KEYSTONE FINANCIAL MORTGAGE, 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 RR1 BOX 158, COALPORT, PA 16627:

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)
------	---

KEYSTONE FINANCIAL BANK, N.A.

ONE KEYSTONE PLAZA
HARRISBURG, PA 17105

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

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

COMMONWEALTH OF PENNSYLVANIA
BUREAU OF INDIVIDUAL TAX
INHERITANCE TAX DIVISION

6TH FLOOR, STRAWBERRY SQUARE
DEPT. 280601
HARRISBURG, PA 17128

INTERNAL REVENUE SERVICE
FEDERATED INVESTORS TOWER

13TH FLOOR, SUITE 1300
1001 LIBERTY AVENUE
PITTSBURGH, PA 15222

DEPARTMENT OF PUBLIC WELFARE
TPL CASUALTY UNIT
ESTATE RECOVERY PROGRAM

P.O. BOX 8486
WILLOW OAK BUILDING
HARRISBURG, PA 17105-8486

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:

Commonwealth of Pennsylvania
Department of Welfare

PO Box 2675
Harrisburg, PA 17105

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
FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

August 18, 2003

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

**MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A KEYSTONE
FINANCIAL MORTGAGE**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 03-894-CD

vs.

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

**TIMOTHY A. KUNY
RHONDA A. DELOZIER**

Commonwealth of Pennsylvania:

County of 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: **RR1 BOX 158, COALPORT, PA 16627**

(See legal description attached.)

Amount Due	<u>\$41,268.37</u>
Interest from 8/18/03 to Date of Sale (\$6.78 per diem)	<u>\$_____</u>
Total	<u>\$_____</u> Plus costs as endorsed. <i>125.00 Prothonotary costs</i>

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated August 19, 2003
(SEAL)

By:

Deputy

No. 03-894-CD

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

**MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO
KEYSTONE FINANCIAL BANK, N.A., D/B/A KEYSTONE FINANCIAL
MORTGAGE**

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt	<u>\$41,268.37</u>
Int. from 8/18/03 to Date of Sale (\$6.78 per diem)	
Costs	
Prothy. Pd.	<u>125.00</u>
Sheriff	

Frank J. Feldman
Attorney for Plaintiff

Address: RR1 BOX 158, COALPORT, PA 16627
RR1 BOX 158, COALPORT, PA 16627
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 THAT CERTAIN parcel of land situate in the Township of Beccaria, County of Clearfield, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the right-of-way of the Public Road and on line of land now or formerly of Matthew Estate; thence by land now or formerly of Matthew Estate, North 40° West, 25 rods to a post; thence by lands now or formerly of W. L. and Coal Company, North 22° East 31 rods to a post; thence by land now or formerly of said W. L. and Coal Company, South 40° East 27.8 rods to a post on the rear of the right-of-way of said public road; thence by right-of-way of said public road, South 22° West 31 rods to a post and place of beginning.

CONTAINING five acres and eighteen perches, be the same more or less.

Tax Parcel #101-H17-000-3

TITLE TO SAID PREMISES IS VESTED IN Timothy A. Kuny and Rhonda A. Delozier, as joint tenants with the right of Survivorship and Not as tenants in common by Deed from Elaine Slippy, as Executrix of the Estate of Walter Somosky, deceased, dated 11/1/1999 and recorded 11/5/1999 in Instrument #199918420.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14583

MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO KEYSTONE 03-894-CD

VS.

KUNY, TIMOTHY A.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, SEPTEMBER 30, 2003 @ 1:30 P.M. O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS ASLO POSTED THIS DATE AND TIME.

A SALE DATE OF DECEMBER 5, 2003 WAS SET.

FILED

01/10/07 6:11
MAR 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

NOW, OCTOBER 21, 2003 @ 5:13 P.M. O'CLOCK SERVED RHONDA A. DELOZIER, DEFENDANT, AT HER PLACE OF RESIDENCE, RR 1, BOX 158, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RHONDA A. DELOZIER, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

NOW, OCTOBER 21, 2003 @ 5:13 P.M. O'CLOCK SERVED TIMOTHY A. KUNY, DEFENDANT, AT HIS PLACE OF RESIDENCE, RR 1, BOX 158, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TIMOTHY A. KUNY, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WIRT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, OCTOBER 30, 2003 RECEIVED A FAX LETTER TO STAY THE SHERIFF'S SALE FOR DECEMBER 5, 2003 AND RETURN UNUSED MONEY.

NOW, NOVEMBER 6, 2003 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHEIFF'S SALE SCHEDULED FOR DECEMBER 5, 2003.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 14583

MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO KEYSTONE 03-894-CD

VS.

KUNY, TIMOTHY A.

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

**NOW, MARCH 2, 2003 PAID COSTS FROM THE ADVANCE AND MADE A REFUND
OF THE UNUSED ADVANCE TO THE ATTORNEY.**

**NOW, MARCH 2, 2004 RETURN WRIT AS NO SALE HELD ON THE PROPERTY OF
THE DEFENDANTS. THE PLAINTIFF'S ATTORNEY STAYED THE SALE AND
REQUESTED A REFUND. THE DEFENDANTS FILED BANKRUPTCY.**

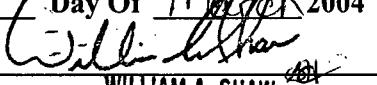
SHERIFF HAWKINS \$314.76

SURCHARGE \$40.00

PAID BY ATTORNEY

Sworn to Before Me This

2nd Day Of March 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

MANUFACTURERS & TRADERS TRUST
COMPANY, S/B/M TO KEYSTONE
FINANCIAL BANK, N.A., D/B/A KEYSTONE
FINANCIAL MORTGAGE

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 03-894-CD

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield:

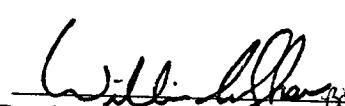
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(See legal description attached.)

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Interest from 8/18/03 to Date of Sale (\$6.78 per diem)	<u>\$</u> _____
Total	<u>\$</u> _____ Plus costs as endorsed. <i>125.00 Prothonotary costs</i>



Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated August 19, 2003
(SEAL)

Received 8/21/03 @ 10:30 A.M.
By: *Chester A. Hawkins*
by Cynthia Butcher Aug/2003

Deputy

SZB

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

MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO
KEYSTONE FINANCIAL BANK, N.A., D/B/A KEYSTONE FINANCIAL
MORTGAGE

vs.

TIMOTHY A. KUNY
RHONDA A. DELOZIER

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

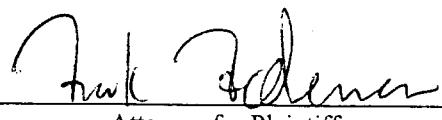
Real Debt \$41,268.37

Int. from 8/18/03 _____
to Date of Sale (\$6.78 per diem)

Costs _____

Prothy. Pd. 125.00

Sheriff _____



Attorney for Plaintiff

Address: RR1 BOX 158, COALPORT, PA 16627
RR1 BOX 158, COALPORT, PA 16627
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

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**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME KUNY NO. 03-894-CD

NOW, , by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on the day of 2004, I exposed the within described real estate of

to public venue or outcry at which time and place I sold the same to

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

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	20.16
LEVY	15.00
MILEAGE	20.16
POSTING	15.00
CSDS	10.00
COMMISSION 2%	
POSTAGE	4.44
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	105.00
ADD'L LEVY	
BID AMOUNT	
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	5.00
TOTAL SHERIFF COSTS	314.76
DEED COSTS:	
ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	
TOTAL DEED COSTS	0.00

PLAINTIFF COSTS, DEBT & INTEREST:

DEBT-AMOUNT DUE	41,268.37
INTEREST	
TO BE ADDED	TO SALE DATE
ATTORNEY FEES	
PROTH. SATISFACTION	
LATE CHARGES & FEES	
COST OF SUIT -TO BE ADDED	
FORECLOSURE FEES/ESCROW DEFICIT	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
SATISFACTION FEE	
ESCROW DEFICIENCY	
TOTAL DEBT & INTEREST	41,268.37
COSTS:	
ADVERTISING	218.78
TAXES - collector	
TAXES - tax claim	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	314.76
LEGAL JOURNAL AD	171.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	829.54

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

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

October 30, 2003

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

ATTENTION: CINDY (814) 765-5915

Re: **MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO KEYSONE
FINANCIAL BANK, N.A., D/B/A KEYSTONE FINANCIAL MORTGAGE v. TIMOTHY A.
KUNY RHONDA A. DELOZIER
No. 03-894-CD
RR1 BOX 158, COALPORT, PA 16627**

Dear Cindy:

Please stay the Sheriff's Sale of the above referenced property, which is scheduled for December 5, 2003, return the original writ of execution to the Prothonotary's office and refund any unused money to our office.

The Defendant (s) filed a Chapter 13 Bankruptcy (No. 03-3588) on 9/16/03.

Very truly yours,

DGT

Dan G. Trautz

VIA TELECOPY (814) 765-5915

10/30/03 Called Dan Trautz on this.

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

November 6, 2003

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

ATTENTION: CINDY (814) 765-5915

Re: **MANUFACTURERS & TRADERS TRUST COMPANY, S/B/M TO KEYSONE
FINANCIAL BANK, N.A. D/B/A KEYSTONE FINANCIAL MORTGAGE v. TIMOTHY A.
KUNY RHONDA A. DELOZIER
No. 03-894-CD
RR1 BOX 158, COALPORT, PA 16627**

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The Defendant (s) filed a Chapter 13 Bankruptcy (No. 03-3 588) on 9/16/03.

Very truly yours,



Dan G. Trautz

VIA TELECOPY (814) 765-5915