

03-1226-CD
BENEFICIAL CONSUMER DISCOUNT CO. vs. MICHAEL J. STEWART, et al

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Identification Number 16496

123 South Broad Street, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Attorney for Plaintiff

FILED

AUG 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

P.O. Box 8621

Elmhurst, IL 60126

v.

Clearfield County
Court of Common Pleas

Michael J. Stewart

RR 1 Box 533

Houtzdale, PA 16651

and

Joy E. Stewart

RR 1 Box 533

Houtzdale, PA 16651

Number 03-1226-CD

CIVIL ACTION/MORTGAGE FORECLOSURE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after 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 HELP.

Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SINO TIENE ABOGADO O SINO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

123 South Broad Street, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount
Company d/b/a Beneficial
Mortgage Company of
Pennsylvania
P.O. Box 8621
Elmhurst, IL 60126

Clearfield County
Court of Common Pleas

v.

Michael J. Stewart
RR 1 Box 533
Houtzdale, PA 16651

Number

and

Joy E. Stewart
RR 1 Box 533
Houtzdale, PA 16651

CIVIL ACTION/MORTGAGE FORECLOSURE

1. Plaintiff is Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania, a corporation duly organized under the laws of Pennsylvania and doing business at the above captioned address.

2. The Defendant is Michael J. Stewart, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and his last-known address is RR 1 Box 533, Houtzdale, PA 16651.

3. The Defendant is Joy E. Stewart, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and her last-known address is RR 1 Box 533, Houtzdale, PA 16651.

4. On 03/31/1997, mortgagors 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 1830, Page 381.

5. The premises subject to said mortgage is described in the mortgage attached as Exhibit "A" and is known as RR 1 Box 533, Houtzdale, PA 16651 and 819 Hannah Street, Houtzdale, PA 16651.

6. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/04/2002 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.


7. The following amounts are due on the mortgage:

Principal Balance	\$ 90,524.98
Interest 07/04/2002 through 07/31/2003 (Plus \$ 20.33 per diem thereafter)	\$ 22,178.46
Attorney's Fee	\$ 4,526.24
Cost of Suit	\$ 225.00
Appraisal Fee	\$ 125.00
Title Search	\$ 200.00
GRAND TOTAL	\$ 117,779.68

8. 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 based on work actually performed.

9. Notice of Intention to Foreclose as required by Act 6 of 1974 (41 P.S. §403) and notice required by the Emergency Mortgage Assistance Act of 1983 as amended under 12 PA Code Chapter 13, et seq., commonly known as the Combined Notice of Delinquency has been sent to Defendants by regular mail with certificate of mailing.

WHEREFORE, Plaintiff demands Judgment against the Defendants in the sum of \$117,779.68, together with interest at the rate of \$20.33 per diem and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.


TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

VERIFICATION

The undersigned, Nanette Richard-Harris, hereby certifies that she is the Foreclosure Specialist of the Plaintiff in the within action, BENEFICIAL CONSUMER DISCOUNT COMPANY, and that she is authorized to make this verification and that the foregoing facts are true and correct to the best of her knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsification to authorities.

Nanette Richards-Harris
Nanette Richard-Harris

VOL 1830 PAGE 381

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MTG

03

OPEN-END MORTGAGE

THIS MORTGAGE SECURES FUTURE ADVANCES WHICH MORTGAGEE
HAS A CONTRACTUAL OBLIGATION TO MAKETHIS MORTGAGE, entered into this 31ST day of MARCH, 1997, between MICHAEL J. STEWART AND JOY E. STEWART, HUSBAND AND WIFE, hereafter called "Mortgagors," and☐ BENEFICIAL CONSUMER DISCOUNT COMPANY, a Pennsylvania corporation,☒ BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a Beneficial Mortgage Co. of Pennsylvania,
a Pennsylvania Corporation,having an office and place of business at 1067 PENNSYLVANIA AVE., TYRONE, Pennsylvania,
hereafter called "Mortgagee."WITNESSETH, that to secure payment by Mortgagors of a Credit Line Account Agreement, hereafter called "Agreement," of even date herewith, by which Mortgagee is obligated to make loans and advances up to \$ 89,000.00, hereafter called "Credit Line" and all other obligations of Mortgagors under the terms and provisions of this Mortgage, Mortgagors do by these presents, sell, grant and convey to Mortgagee, ALL the following described real estate, hereafter called "Property," situated in the ☐ City ☒ Borough ☒ Township of WOODWARD, County of CLEARFIELD, Commonwealth of Pennsylvania, described as follows: Borough of HOUTZDALE

"SEE ATTACHED EXHIBIT A"

Municipal Tax Lot _____, Block _____, Uniform Parcel Identifier 130-L12-33 & 10-M14-392-16Being premises conveyed to Mortgagors by deed of conveyance duly recorded in the office for the Recording of Deeds in this County in Deed Book No. 816, Page 402, as the Property therein described.☐ If this box is checked, this Mortgage is subject to a prior mortgage dated _____, 19____, executed by Mortgagors to _____ as mortgagee, which prior mortgage secures payment of a promissory note in the principal amount of \$ _____ That prior mortgage was recorded on _____, 19____, with the Recorder of the County of _____, Pennsylvania, in Book _____, Page _____

TO HAVE AND TO HOLD the Property hereby granted and conveyed unto Mortgagee, to and for the use and behoof of Mortgagee, its successors and assigns, forever.

THIS MORTGAGE IS MADE subject to the following conditions, and Mortgagors agree:

1. Mortgagors will make all payments on the due date thereof and perform all other obligations as required or provided herein and in the Agreement.
2. This Mortgage secures any and all future advances which Mortgagee shall make to Mortgagor under the Agreement up to the Credit Line.
3. Mortgagors will pay when due all taxes and assessments levied or assessed against the Property or any part thereof, and will deliver receipts for those payments to Mortgagee upon request and if Mortgagee pays any taxes or assessments plus penalties and costs, the amounts so paid may be added to the unpaid balance of the debt secured by this Mortgage.
4. Mortgagors will keep the improvements on the Property constantly insured against fire and such other hazards, in such amount and with such carriers as Mortgagee shall approve, with loss, if any, payable to Mortgagee as its interest may appear.
5. Mortgagee, at its option in case of default by Mortgagors of any obligation required of them under paragraphs 3 and 4 of this Mortgage, shall have the right to pay any taxes, assessments, water and sewer rents, insurance premiums and all other charges and claims which Mortgagors have agreed to pay under the terms of the Agreement and this Mortgage, and any and all monies so paid shall be a part of the debt hereby secured and recoverable as such, in all respects, with interest thereon from the date of such payment.
6. Mortgagors will neither commit nor suffer any strip, waste, impairment or deterioration of the Property, and will maintain the same in good order and repair.
7. In the event that Mortgagors default in the making of any payment due and payable under the Agreement, or in the keeping and performance by Mortgagors of any of the conditions or covenants of this Mortgage or the Agreement, Mortgagee may forthwith bring an Action of Mortgage Foreclosure hereon, or institute other foreclosure proceedings upon this Mortgage, and may proceed to judgment and execution to recover the Unpaid Balance of the Account plus accrued but unpaid interest, including attorney fees as permitted by law, costs of suit and costs of sale.

EXHIBIT "A"

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EXHIBIT A

ALL THAT CERTAIN PROPERTY SITUATED IN THE BOROUGH OF HOUTZDALE IN THE COUNTY OF CLEARFIELD AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 02/07/93 AND RECORDED 02/19/93, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 1515 AND PAGE 68. 10-114-392-16

ADDRESS: 819 HANNAH ST.; HOUTZDALE, PA

EXHIBIT A

ALL THAT CERTAIN PROPERTY SITUATED IN THE TOWNSHIP OF WOODWARD IN THE COUNTY OF CLEARFIELD AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 07/30/81 AND RECORDED 08/04/81, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 816 AND PAGE 402.

TAX MAP OR PARCEL ID NO.: 130-L12-33 ADDRESS: RR 1 BOX 533; HOUTZDALE, PA

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8. Upon commencement of a suit in foreclosure of this Mortgage or suit to which Mortgagee may be made a party by reason of this Mortgage, or at any time during the pendency of any such suit, Mortgagee, upon application to the appropriate court, at once, without notice to Mortgagor or any person claiming under Mortgagor, and without consideration of the adequacy of the security or the solvency of Mortgagor, shall appoint a receiver for the Property. The receiver shall (1) take possession of the Property; (2) make repairs and keep the Property in proper condition and repair; and (3) pay (a) all taxes and assessments accruing during the receivership, (b) all unpaid taxes and assessments unpaid and tax sales remaining unredeemed, at or prior to the foreclosure sale, (c) all insurance premiums necessary to keep the Property insured in accordance with the provisions of this Mortgage, and (d) the expense of the receivership, and apply the balance, if any, against the indebtedness secured by this Mortgage.
9. If Mortgagors voluntarily shall sell or convey the Property, in whole or in part, or any interest in that Property or by some act or means divest themselves of title to the Property without obtaining the written consent of Mortgagee, then Mortgagee, at its option, may declare the entire balance of the loan plus interest on the balance immediately due and payable. This option shall not apply if (1) the sale of the Property is permitted because the purchaser's creditworthiness is satisfactory to Mortgagee and (2) that purchaser, prior to the sale, has executed a written assumption agreement containing terms prescribed by Mortgagee, including, if required, an increase in the rate of interest payable under the Agreement.
10. Mortgagors, and each of them in this Mortgage, hereby waive and release all benefit and relief from any and all appraisal, stay and exemption laws, now in force or hereafter passed, either for the benefit or relief of Mortgagors which limit the unpaid principal balance due under the Note to a sum not in excess of the amount actually paid by the purchaser of the Property at a sale of the Property in any judicial proceedings upon the Note or upon this Mortgage, exempt the Property or any other premises or property, real or personal, or any part of the proceeds of sale thereof, from attachment, levy or sale under execution, or provide for any stay of execution or other process.
11. Mortgagor warrants that (1) the Property has not been used in the past and is not presently used for hazardous and/or toxic waste, (2) the Property complies with all federal, state and local environmental laws regarding hazardous and/or toxic waste, (3) asbestos has not been used as a building material on any building material on any building erected on the Property in the past, (4) the Property is not presently used for asbestos storage and (5) the Mortgagor complies with all federal, state, and local laws, as well as regulations, regarding the use and storage of asbestos.
12. Mortgagor covenants and agrees to comply with all federal, state, and local environmental laws in the maintenance and use of the Property.
13. Mortgagor warrants that neither the Property nor the loan proceeds were or will be used in illegal drug activity, and the Property is not subject to seizure by any governmental authority because of any illegal drug activity.

Signed, sealed and delivered in the presence of:

Doreen A. Davis _____ Witness

_____ Witness

_____ Witness

Michael S. Stewart (SEAL)
MICHAEL S. STEWART (SEAL)
Joy E. Stewart (SEAL)
JOY E. STEWART (SEAL)

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF BLAIR) SN. 7

On this the 31ST day of MARCH, 19 97, before me, STEPHEN C. BRACKBILL
 the undersigned officer, personally appeared MICHAEL J. STEWART AND JOY E. STEWART, HUSBAND AND WIFE
 known to me (or satisfactorily proven) to be the person whose name 'S ARE subscribed to the within instrument and acknowledged
 that THEY executed the same for the purposes herein contained.
 he/she/they

WITNESS my hand and seal, the day and year aforesaid,

Notary Seal
Stephen C. Brackbill, Notary Public
Tyrone, Blaine County
My Commission Expires June 2, 1997

Step 1: Bm
Notary Public of Pennsylvania

CERTIFICATE OF RESIDENCE

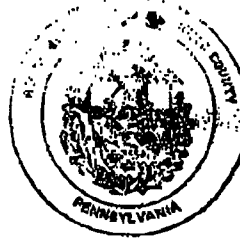
I, LINDA S. MILLER of
BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE CO. OF PENNSYLVANIA
 Mortgagee named in the foregoing Mortgage, hereby certify that the correct residence address of the Mortgagee is
1067 PENNSYLVANIA AVE., TYRONE, PA. 16586

Witness my hand, this 31ST day of MARCH, 1997.

Linda S. Miller
 Agent of Mortgagee

CLEARFIELD COUNTY
 ENTERED OF RECORD
 TIME 8:40 A.M. 4-3-97
 BY [Signature]
 FEES 13.57
 Karen L. Starck, Recorder

Hereby CERTIFY that this document
 is recorded in the Recorder's Office of
 Clearfield County, Pennsylvania.



Karen L. Starck

Karen L. Starck
 Recorder of Deeds

RL 4 PA 20/22/25, Ed. Nov. '94

COMMONWEALTH OF PENNSYLVANIA

MORTGAGE

Michael J. Stewart

MICHAEL J. STEWART

AND
 JOY E. STEWART - to -

☐ BENEFICIAL CONSUMER DISCOUNT COMPANY
☒ BENEFICIAL CONSUMER DISCOUNT COMPANY
 d/b/a Beneficial Mortgage Co. of Pennsylvania

Mortgage

1067 PENNSYLVANIA AVE.

TYRONE, PA. 16586

Address

COMMONWEALTH OF
 PENNSYLVANIA

COUNTY OF

88-1

RECORDED on this _____ day
 of _____ 19____
 in the office for Recording of Deeds of this County,
 in Mortgage Book No. _____, Page _____

RECORDER

Entered of Record April 3, 1997, 8:40 A.M. Karen L. Starck, Recorder

LEGAL DESCRIPTION

ALL THAT CERTAIN lot of land situate Woodward Township, Clearfield County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a point on the western right-of-way line of a township road, said point being fifty (50) feet north from the northeast corner of Grantors' house; thence along land of the Grantors in a generally westerly direction, a distance of one hundred (100) feet to a point; thence along other land of the Grantors in a generally northerly direction a distance of seventy-two (72) feet to a point; thence in a generally easterly direction a distance of one hundred (100) feet to a point on the Western right-of-way line of a township road; thence in a generally southerly direction along the western right-of-way of said road a distance of seventy-two (72) feet to a point, the place of beginning. Being a rectangular parcel of land seventy-two (72) feet by one hundred (100) feet, fronting seventy-two (72) feet on the western side of said township road and being improved with a house and integral garage.

BEING part of a larger tract of land owned by he Grantors.

LEGAL DESCRIPTION

ALL THAT CERTAIN lot of land situate Woodward Township, Clearfield County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a point on the western right-of-way line of a township road, said point being fifty (50) feet north from the northeast corner of Grantors' house; thence along land of the Grantors in a generally westerly direction, a distance of one hundred (100) feet to a point; thence along other land of the Grantors in a generally northerly direction a distance of seventy-two (72) feet to a point; thence in a generally easterly direction a distance of one hundred (100) feet to a point on the Western right-of-way line of a township road; thence in a generally southerly direction along the western right-of-way of said road a distance of seventy-two (72) feet to a point, the place of beginning. Being a rectangular parcel of land seventy-two (72) feet by one hundred (100) feet, fronting seventy-two (72) feet on the western side of said township road and being improved with a house and integral garage.

BEING part of a larger tract of land owned by he Grantors.

KNOWN AS:

RR1 BOX 533
HOUTZDALE, PA 16651

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground situate in the Borough of Houtzdale, Clearfield County, Pennsylvania and bounded and described as follows:

FRONTING on Hannah Street Thirty (30') feet and running South to the right of way of Pennsylvania Railroad. Bounded on the East by lot now or formerly of Joseph Huber; on the South by the Pennsylvania Railroad (formerly Penn siding); on the West by Lot now or formerly of Robert Hutchinson; on the North by Hannah Street. It being known and designated as part of Lot No. 281 in the general plan of said Borough; and having thereon erected a two-story frame building, occupied as an office and apartment dwelling.

EXCEPTING AND RESERVING all the stone, coal and other minerals lying and being underneath the said premises with the free and full right of ingress, egress and regress, to dig, mine and carry away the same free from all claim of claims of damages whatsoever.

KNOWN AS:

819 HANNAH STREET
HOUTZDALE, PA 16851

FILED

7/2:57 PM
AUG 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

2CC SAG
Attg Ad. 85.00

In The Court of Common Pleas of Clearfield County, Pennsylvania

BENEFICIAL CONSUMER DISCOUNT COMPANY

VS.

STEWART, MICHAEL J. AND JOY E.

Sheriff Docket # 14439

03-1226-CD

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

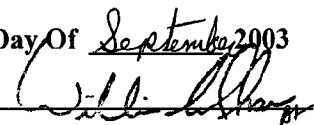
NOW SEPTEMBER 3, 2003 AT 1:47 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL J. STEWART, DEFENDANT AT RESIDENCE, RR#1 BOX 533, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHAEL J. STEWART (2) TWO TRUE AND ATTESTED COPIES OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF. ACCORDING TO DEPUTIES 819 HANNAH ST., HOUTZDALE, PA. WAS NOT A RESIDENCE. SERVED BY: DAVIS/MORGILLO

NOW SEPTEMBER 3, 2003 AT 1:47 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JOY E. STEWART, DEFENDANT AT RR#1 BOX 533, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHAEL J. STEWART, HUSBAND (2) TWO TRUE AND ATTESTED COPIES OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF. ACCORDING TO DEPUTIES 819 HANNAH ST., HOUTZDALE, PA. WAS NOT A RESIDENCE. SERVED BY: DAVIS/MORGILLO


Return Costs

Cost	Description
53.96	SHERIFF HAWKINS PAID BY: ATTY CK# 32680
40.00	SURCHARGE PAID BY: ATTY CK# 32682

Sworn to Before Me This

30 Day Of September 2003


So Answers,


Chester A. Hawkins
Sheriff

FILED
0 2:01 PM
SEP 30 2003

William A. Shaw
Prothonotary

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

BENEFICIAL CCNSUMER DISCOUNT : CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE : COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA :
V. :
MICHAEL J. STEWART :
JOY E. STEWART : NUMBER 03-1226-CD

FILED

ASSESSMENT OF DAMAGES AND ENTRY OF JUDGMENT

DEC 08 2003

TO THE PROTHONOTARY:

William A. Shaw
Prothonotary/Clerk of Courts

Kindly enter judgment by default in favor of Plaintiff and
against Defendant in the above-captioned matter for failure to
answer Complaint as required by Pennsylvania Rules of Civil
Procedure and assess damages as follows:

Principal	\$117,779.68
Interest from 3/1/03 - 12/3/03	\$ 2,541.25
TOTAL	\$120,320.93

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

AND NOW, this 8th day of December, 2003,

Judgment is entered in favor of Plaintiff, Beneficial Consumer
Discount Company d/b/a Beneficial Mortgage Company of
Pennsylvania and against Defendants, Michael J. Stewart and Joy
E. Stewart and damages are assessed in the amount of \$120,320.93,
plus interest and costs.

BY THE PROTHONOTARY:

William A. Shaw

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

BENEFICIAL CONSUMER DISCOUNT : CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE : COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA :
V. :
MICHAEL J. STEWART :
JOY E. STEWART : NUMBER 03-1226-CD

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA:
SS.
COUNTY OF CLEARFIELD :

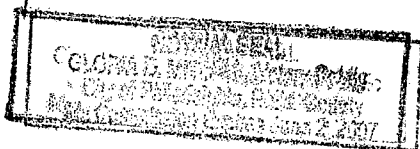
The undersigned, being duly sworn according to law, deposes and says that the Defendants are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940 as amended; and that the Defendants, Michael J. Stewart and Joy E. Stewart, are over eighteen (18) years of age and resides at RR 1 BOX 533, Houtzdale, PA 16651.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 3rd DAY
OF Dec , 2003.

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

Gloria D. Mitchell
Notary Public



McCABE, WEISBERG AND CONWAY, P.C.
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Attorney for Plaintiff

BENEFICIAL CONSUMER DISCOUNT : CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE : COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA :
V. :
MICHAEL J. STEWART :
JOY E. STEWART : NUMBER 03-1226-CD

CERTIFICATION

Terrence J. McCabe, attorney for Plaintiff, being duly sworn according to law, deposes and says that he deposited in the United States Mail a letter notifying the Defendant that judgment would be entered against them within ten (10) days from the date of said letter in accordance with Rule 237.5 of the Pennsylvania Rules of Civil Procedure. A copy of said letter is attached hereto and marked as Exhibit "A".

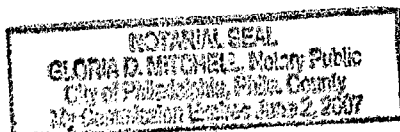
SWORN TO AND SUBSCRIBED

BEFORE ME THIS 3rd DAY

OF Dec. , 2003.

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

Gloria D. Mitchell
NOTARY PUBLIC



VERIFICATION

The undersigned, TERRENCE J. McCABE, ESQUIRE, hereby certifies that he is the attorney for the Plaintiff in the within action and that he is authorized to make this verification and that the foregoing facts are true and correct to the best of his knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 PA.C.S. Section 4909 relating to unsworn falsification to authorities.

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830**

**William A. Shaw
Prothonotary**

October 2, 2003

To: Michael J. Stewart
RR 1 Box 533
Houtzdale, PA 16651

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

vs.

Michael J. Stewart
and
Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226-CD

**NOTICE, RULE 237.5
NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

NOTIFICACION IMPORTANTE

USTED SE ENCUENTRA EN ESTADO DE REBELDIA POR NO HABER PRESENTADO UNA COMPARECENCIA ESCRITA, YA SEA PERSONALMENTE O POR ABOGADO Y POR NO HABER RADICADO POR ESCRITO CON ESTE TRIBUNAL SUS DEFENSAS U OBJECIONES A LOS RECLAMOS FORMULADOS EN CONTRA SUYO. AL NO TOMAR LA ACCION DEBIDA DENTRO DE DIEZ (10) DIAS DE LA FECHA DE ESTA NOTIFICACION, EL TRIBUNAL PODRA, SIN NECESIDAD DE COMPARECER USTED EN CORTE U OIR PREUBA ALGUNA, DICTAR SENTENCIA EN SU CONTRA Y USTED PODRIA PERDER BIENES U OTROS DERECHOS IMPORTANTES.

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Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

**Terrence J. McCabe, Esquire
Attorney for Plaintiff
McCABE, WEISBERG & CONWAY, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109**

TJM/cc

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830**

**William A. Shaw
Prothonotary**

October 2, 2003

To: Joy E. Stewart
RR 1 Box 533
Houtzdale, PA 16651

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

vs.

Michael J. Stewart
and
Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226-CD

**NOTICE, RULE 237.5
NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

NOTIFICACION IMPORTANTE

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Clearfield, PA, 16830
814-765-2641 x 5982

**Terrence J. McCabe, Esquire
Attorney for Plaintiff
McCABE, WEISBERG & CONWAY, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109**

TJM/cc

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830**

**William A. Shaw
Prothonotary**

October 2, 2003

To: Michael J. Stewart
819 Hannah Street
Houtzdale, PA 16651

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

vs.
Michael J. Stewart
and
Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226-CD

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814-765-2641 x 5982

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Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

**Terrence J. McCabe, Esquire
Attorney for Plaintiff
McCABE, WEISBERG & CONWAY, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109**

TJM/cc

**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse, Clearfield, PA 16830**

**William A. Shaw
Prothonotary**

October 2, 2003

To: Joy E. Stewart
819 Hannah Street
Houtzdale, PA 16651

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

vs.

Michael J. Stewart
and
Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226-CD

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814-765-2641 x 5982

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Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

**Terrence J. McCabe, Esquire
Attorney for Plaintiff
McCABE, WEISBERG & CONWAY, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109**

TJM/cc

FILED

ICC vs. Def. w/ Notice

M/11:43 AM
DEC 08 2003

Statement to Atty

~~g~~

William A. Shaw

Prothonotary/Clerk of Courts

Atty pd. \$20.00

COPY

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

Clearfield County Courthouse, Clearfield, PA 16830

William A. Shaw
Prothonotary

To: Michael J. Stewart
RR 1 Box 533
Houtzdale, PA 16651

BENEFICIAL CONSUMER DISCOUNT	:	CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE	:	COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA	:	
V.	:	
MICHAEL J. STEWART	:	
JOY E. STEWART	:	NUMBER 03-1226-CD

NOTICE

Pursuant to Rule 236, you are hereby notified that a
JUDGMENT has been entered in the above proceeding as indicated
below.

William A. Shaw
Prothonotary

12/18/03

<u> X </u>	Judgment by Default
<u> </u>	Money Judgment
<u> </u>	Judgment in Replevin
<u> </u>	Judgment for Possession

If you have any questions concerning this Judgment, please call
Terrence J. McCabe, Esquire at (215) 790-1010.

COPY

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

Clearfield County Courthouse, Clearfield, PA 16830

William A. Shaw
Prothonotary

To: Joy E. Stewart
RR 1 Box 533
Houtzdale, PA 16651

BENEFICIAL CONSUMER DISCOUNT	:	CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE	:	COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA	:	
V.	:	
MICHAEL J. STEWART	:	
JOY E. STEWART	:	NUMBER 03-1226-CD

NOTICE

Fursuant to Rule 236, you are hereby notified that a
JUDGMENT has been entered in the above proceeding as indicated
below.

William A. Shaw
Prothonotary

12/8/03

<u> X </u>	Judgment by Default
<u> </u>	Money Judgment
<u> </u>	Judgment in Replevin
<u> </u>	Judgment for Possession

If you have any questions concerning this Judgment, please call
Terrence J. McCabe, Esquire at (215) 790-1010.

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

COPY

Beneficial Consumer Discount Company
Plaintiff(s)

No.: 2003-01226-CD

Real Debt: \$120,320.93

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Michael J. Stewart
Joy E. Stewart
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 8, 2003

Expires: December 8, 2008

Certified from the record this 8th day of December, 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

Præcipe for Writ of Execution - Money Judgments.

BENEFICIAL CONSUMER DISCOUNT COMPANY, D/B/A
BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

v.
MICHAEL J. STEWART
JOY E. STEWART

NO. 03-1226-CD

Term, 19

PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary:

FILE

DEC 3 2003

William A. [unclear]
Prothonotary/Clerk of Courts

Issue writ of execution in the above matter,

- (1). directed to the Sheriff of Clearfield County
- (2). against the following property RR 1 BOX 533, HOUTZDALE, PA 16651 (#130-L12-33)
AND 819 HANNAH STREET, HOUTZDALE, PA 16651 (#10-M14-392-16)
- (3). against the following property in the hands of (name) N/A of defendant(s) and garnishee
- (4). and index this writ

(a) against Michael J. Stewart and Joy E. Stewart

(b) against N/A defendant(s) and as garnishee

as a lis pendens against real property of the defendant(s) ~~XXXXXXXXXXXXXXXXXXXX~~ as follows:
RR 1 BOX 533, Houtzdale, PA 16651 (Parcel #130-L12-33) AND
819 Hannah Street, Houtzdale, PA 16651 (Parcel #10-M14-392-16)

(Specifically describe property)

(If space insufficient, attach extra sheets)

(5). Amount due

Interest from 12/4/03 to Date of Sale
Per Diem \$19.78
Costs (to be added)

\$ 120,320.93

\$

\$

125.00

Prothonotary
Costs

Terrence J. McCabe
Attorney for Plaintiff(s)

Terrence J. McCabe, Esq.
Atty. I.D. #16496
123 S. Broad St., Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Proth'y. No. 63

No. 03-1226-CD Term, 19
No. Term, 19

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company
of Pennsylvania

vs.
Michael J. Stewart

Joy E. Stewart

FILED
DEC 08 2003

William A. Shaw
Prothonotary/Clerk of Courts

1 cc sent to courtship dept.
Any pd. 20.00
Receipt for Writ of Execution

Terrence J. McCabe, Esquire
Attorney I.D. No. 16496
123 S. Broad St., Suite 2080
Philadelphia, PA 19109
(215) 790-1010

RECEIVED WRIT THIS _____ DAY
of _____ A.D., 19____
at _____ M.

She

WRIT OF EXECUTION
(Money Judgments)

EXECUTION DEBT	120,320.93
Interest from 12/4/03	
to Date of Sale Per Diem	
Prothonotary -\$19.78	125.00
Use Attorney	
Use Plaintiff	
Attorney's Comm.	
Satisfaction	
Sheriff	

Terrence J. McCabe
Attorney for Plaintiff

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

BENEFICIAL CONSUMER DISCOUNT : CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE : COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA :
V. :
MICHAEL J. STEWART :
JOY E. STEWART : NUMBER 03-1226-CD

AFFIDAVIT PURSUANT TO RULE 3129

I, Terrence J. McCabe, Esquire, attorney for Plaintiff in the above action, set forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real properties located at RR 1 BOX 533, Houtzdale, PA 16651 (Parcel #130-L12-33) AND 819 HANNAH STREET, Houtzdale, PA 16651 (Parcel #10-M14-392-16), copies of the descriptions of said properties are attached hereto and marked Exhibit "A."

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

Name	Address
Michael J. Stewart and Joy E. Stewart	RR 1 Box 533 Houtzdale, PA 16651

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

Name	Address
Michael J. Stewart and Joy E. Stewart	RR 1 Box 533 Houtzdale, PA 16651

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

Name	Address
Plaintiff herein	

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

Name

Address

Plaintiff herein

Associates Consumer Discount
Company, A Pennsylvania Corporation

Sandy Plaza #104
RD #3 BOX 14611
Dubois, PA 15501

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

1067 Pennsylvania Avenue
Tyrone, PA 16688

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

961 Weigel Drive
P.O. Box 8604
Elmhurst, IL 60126

5. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

Name

Address

None

6. 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

Address

Tenant(s)

RR 1 BOX 533
Houtzdale, PA 16651

Tenant(s)

819 Hannah Street
Houtzdale, PA 16651

Domestic Relations

Clearfield County
230 E. Market
Suite 300
Clearfield, PA 16830

Commonwealth of Pennsylvania
Department of Welfare

P.O. 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. Section 4904 relating to unsworn falsification to authorities.

12/3/03
DATE

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

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

COPY

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania

Vs.

NO.: 2003-01226-CD

Michael J. Stewart and
Joy E. Stewart

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a Beneficial Mortgage Company of Pennsylvania, Plaintiff(s) from MICHAEL J. STEWART and JOY E. STEWART, Defendant(s):

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

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

Garnishee(s) as follows:

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

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

AMOUNT DUE: \$120,320.93

PAID: \$125.00

INTEREST from 12/4/03 to date of sale, per diem
\$19.78

SHERIFF: \$

PROTH. COSTS: \$

OTHER COSTS: \$

ATTY'S COMM: \$

DATE: 12/08/2003

William A. Shaw
Prothonotary/Clerk Civil Division

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

Requesting Party: Terrence J. McCabe, Esq.
123 S. Broad St., Ste. 2080
Philadelphia, PA 19109
(215) 790-1010

Sheriff

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground situate in the Borough of Houtzdale, Clearfield County, Pennsylvania and bounded and described as follows:

FRONTING on Hannah Street Thirty (30') feet and running South to the right of way of Pennsylvania Railroad. Bounded on the East by lot now or formerly of Joseph Huber; on the South by the Pennsylvania Railroad (formerly Penn siding); on the West by Lot now or formerly of Robert Hutchinson; on the North by Hannah Street. It being known and designated as part of Lot No. 281 in the general plan of said Borough; and having thereon erected a two-story frame building, occupied as an office and apartment dwelling.

EXCEPTING AND RESERVING all the stone, coal and other minerals lying and being underneath the said premises with the free and full right of ingress, egress and regress, to dig, mine and carry away the same free from all claim of claims of damages whatsoever.

PARCEL #10-M14-392-16

BEING KNOWN as 819 Hannah Street, Houtzdale, PA 16651

TITLE TO SAID premises is vested in Michael J. Stewart and Joy E. Stewart by Deed from Michelle Delfosse Peacock, formerly Michelle Delfosse Carey dated 2/17/1993 and recorded 2/19/1993 in Deed Book 1515 Page 68.

LEGAL DESCRIPTION

ALL THAT CERTAIN lot of land situate Woodward Township, Clearfield County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a point on the western right-of-way line of a township road, said point being fifty (50) feet north from the northeast corner of Grantors' house; thence along land of the Grantors in a generally westerly direction, a distance of one hundred (100) feet to a point; thence along other land of the Grantors in a generally northerly direction a distance of seventy-two (72) feet to a point; thence in a generally easterly direction a distance of one hundred (100) feet to a point on the Western right-of-way line of a township road; thence in a generally southerly direction along the western right-of-way of said road a distance of seventy-two (72) feet to a point, the place of beginning. Being a rectangular parcel of land seventy-two (72) feet by one hundred (100) feet, fronting seventy-two (72) feet on the western side of said township road and being improved with a house and integral garage.

BEING part of a larger tract of land owned by he Grantors.

PARCEL #130-L12-33

BEING KNOWN as RR 1 BOX 533, Houtzdale, PA 16651

TITLE TO SAID premises is vested in Michael J. Stewart and Joy E. Stewart by Deed from Ivan W. Yarger and Eleanor M. Yarger, his wife, dated 7/30/1981 and recorded 8/4/1981 in Deed Book 816 Page 402.

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

BENEFICIAL CONSUMER DISCOUNT	:	CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE	:	COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA	:	
V.	:	
MICHAEL J. STEWART	:	
JOY E. STEWART	:	NUMBER 03-1226-CD

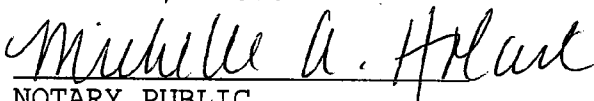
AFFIDAVIT OF SERVICE

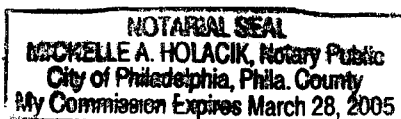
I, Terrence J. McCabe, Esquire, attorney for the Plaintiff
in the within matter, hereby certify that on the 5th DAY OF
FEBRUARY, 2004, a true and correct copy of the Notice of
Sheriff's Sale of Real Property was served on all pertinent
lienholder(s) as set forth in the Affidavit Pursuant to 3129
which is attached hereto as Exhibit "A".

Copies of the letter and certificate of mailing are also
attached hereto, made a part hereof and marked as Exhibit "B."


TERRENCE J. McCABE, ESQUIRE

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 5th DAY OF
FEBRUARY, 2004.


NOTARY PUBLIC



FILED

FEB 11 2004

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

BENEFICIAL CONSUMER DISCOUNT : CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE : COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA :
V. :
MICHAEL J. STEWART :
JOY E. STEWART : NUMBER 03-1226-CD

AFFIDAVIT PURSUANT TO RULE 3129

I, Terrence J. McCabe, Esquire, attorney for Plaintiff in the above action, set forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real properties located at RR 1 BOX 533, Houtzdale, PA 16651 (Parcel #130-L12-33) AND 819 HANNAH STREET, Houtzdale, PA 16651 (Parcel #10-M14-392-16), copies of the descriptions of said properties are attached hereto and marked Exhibit "A."

1. Name and address of Owner(s) or Reputed Owner(s):
Name Address
Michael J. Stewart and RR 1 Box 533
Joy E. Stewart Houtzdale, PA 16651
2. Name and address of Defendant(s) in the judgment:
Name Address
Michael J. Stewart and RR 1 Box 533
Joy E. Stewart Houtzdale, PA 16651
3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:
Name Address
Plaintiff herein
4. Name and address of the last recorded holder of every mortgage of record:
Name Address
Plaintiff herein
Associates Consumer Discount Company,
A Pennsylvania Corporation Sandy Plaza #104
RD #3 BOX 14611
Dubois, PA 15501
Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania 1067 Pennsylvania Avenue
Tyrone, PA 16688
Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania 961 Weigel Drive
P.O. Box 8604
Elmhurst, IL 60126

EXHIBIT "A"

5. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

Name

Address

None

6. 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

Address

Tenant(s)

RR 1 BOX 533
Houtzdale, PA 16651

Tenant(s)

819 Hannah Street
Houtzdale, PA 16651

Domestic Relations

Clearfield County
230 E. Market
Suite 300
Clearfield, PA 16830

Commonwealth of Pennsylvania

Department of Welfare
P.O. 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. Section 4904 relating to unsworn falsification to authorities.

February 5, 2004

DATE



TERRENCE J. MCCABE, ESQUIRE
Attorney for Plaintiff

EXHIBIT "A"

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorney for Plaintiff

BENEFICIAL CONSUMER DISCOUNT	:	CLEARFIELD COUNTY
COMPANY D/B/A BENEFICIAL MORTGAGE	:	COURT OF COMMON PLEAS
COMPANY OF PENNSYLVANIA	:	
V.	:	
MICHAEL J. STEWART	:	
JOY E. STEWART	:	NUMBER 03-1226-CD

DATE: February 5, 2004

TO: ALL PARTIES IN INTEREST AND CLAIMANTS.

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

OWNERS: Michael J. Stewart and Joy E. Stewart

PROPERTY: RR 1 BOX 533, Houtzdale, PA 16651 and
819 Hannah Street, Houtzdale, PA 16651

IMPROVEMENTS: Residential Dwelling

The above-captioned property is scheduled to be sold at the Sheriff's Sale on APRIL 2, 2004 at 10:00 a.m. in the Sheriff's Office of the Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830. Our records indicate that you may hold a mortgage or judgments and liens on, and/or other interests in the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

A schedule of distribution will be filed by the Sheriff on a date specified by the Sheriff not later than 30 days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 10 days after the filing of the schedule.

EXHIBIT "B"

Check type of mail or service

MCCABE, WEISBERG AND CONWAY, P.C.
FIRST UNION BUILDING
123 SOUTH BROAD STREET

SUITE 2080
PHILADELPHIA, PA 19109

<input type="checkbox"/> Recorded Delivery (International)	Certified
<input type="checkbox"/> Registered	COD
<input type="checkbox"/> Return Receipt for Merchandise	Delivery Confirmation
<input type="checkbox"/> Signature Confirmation	Express Mail
	Insured

Affix Stamp Here
(If issued as a
certificate of mailing
or for additional
copies of this bill)
**Postmark and
Date of Receipt**

Addressee (Name, Street, City, State, & ZIP Code)

Postage

Fee

Charge

if Registered

Value

if COD

Fee

Free

Free

Free

Free

BENE V.
STEWART, M.

Associates Consumer Discount
Co A Pennsylvania Corporation
Sandy Plaza #104
RD #3 BOX 14611
Dubois, PA 15501

Tenant(s)
819 Hannah Street
Houtzdale, PA 16651

3. Beneficial Consumer Discount
Co d/b/a Beneficial Mortgage
Company of Pennsylvania
1067 Pennsylvania Avenue
Tyrone, PA 16688

4. _____

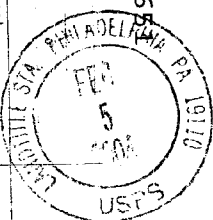
Domestic Relations
Clearfield County
230 E. Market
Suite 300
Clearfield, PA 16830

5. Beneficial Consumer Discount Co d/b/a Beneficial Mortgage

Commonwealth of Pennsylvania
Department of Welfare
P.O. Box 2675
Harrisburg, PA 17105

6. P.O. Box 8604
Elmhurst, IL 60126

Tenant(s)
RR 1 BOX 533
Houtzdale, PA



EXIT

Delivery Commences

1322 05-10-1964 7251
1085 402-704
19109 19109

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
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100	100

Postmaster, Per (Name of receiving employee),

See Privacy Act Statement on Reverse

PS Form 3877, February 2002 (Page 1 of 2)

Complete by Typewriter, Ink, or Ball Point Pen

FILED

NO
cc

M 11 10 2004

QKQ

FEB 11 2004

William A. Shaw
Prothonotary/Clerk of Courts

CA

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

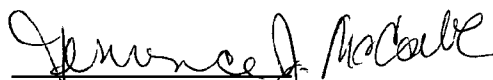
Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226- CD

MOTION COURT COVER SHEET

TYPE OF MOTION BEING FILED: MOTION FOR ALTERNATIVE SERVICE



TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

FILED

MAR 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

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Beneficial Consumer Discount Company
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v.

Michael J. Stewart

and

Joy E. Stewart

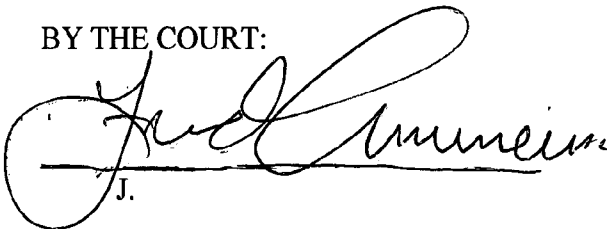
Clearfield County
Court of Common Pleas

Number 03-1226- CD

ORDER

AND NOW, this 29 day of March, 2004, the Plaintiff is granted leave to serve the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendants' last-known address of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651.

BY THE COURT:


J.

FILED

MAR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED ^{icc}
013:3761 Atty McCabe
MAR 29 2004 *[Signature]*

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226- CD

PETITION TO ALLOW SERVICE ON THE DEFENDANTS
BY REGULAR MAIL, CERTIFIED MAIL AND POSTING
PURSUANT TO PA RULE OF CIVIL PROCEDURE 430

1. Per Plaintiff's conversation with the Clearfield County Sheriff's Office on March 2, 2004, the Sheriff was unable to serve true and correct copies of the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, at the address of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 1665, as there was no response.
2. Plaintiff has searched for a forwarding address for the Defendant, Michael J. Stewart, and the Post Master has advised that there is no change of address order on file for the Defendant from the address of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651. A copy of the documentation indicating the same is attached hereto and marked as Exhibit "A."
3. Plaintiff has investigated the Defendant, Michael J. Stewart, Voter Registration Record, and the Clearfield County Election Office advised that they have the defendant

registered to vote at 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

4. Plaintiff has inquired with local Directory Assistance for an address for Defendant, Michael J. Stewart. The defendant was listed as Michael Stewart, 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651, (814) 339-7202. Defendant states his new address is a 911 change for property address. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

5. Plaintiff has inquired with the Tax Office for mailing address for defendant, tax office has mailing address same as property, 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

6. Plaintiff has inquired with Social Security Administration, Social Security does not have death records for defendant. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

7. If service cannot be made on the Defendant, Michael J. Stewart, the Plaintiff will be prejudiced.

WHEREFORE, Plaintiff prays this Honorable Court grant an Order allowing the Plaintiff to serve the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendant's last-known address and mortgage premises of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651.


TERRENCE J. McCABE, ESQUIRE

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

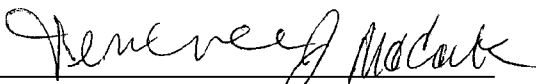
Clearfield County
Court of Common Pleas

Number 03-1226- CD

MEMORANDUM OF LAW

If a resident Defendant has obstructed or prevented service of process by concealing his/her whereabouts or otherwise, the Plaintiff shall have the right of service in such a manner as the Court by special order shall direct service pursuant to P.R.C.P. 430.

WHEREFORE, Plaintiff prays this service be made.


TERRENCE J. McCABE, ESQUIRE

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226- CD

CERTIFICATION OF SERVICE

I, Terrence J. McCabe, Esquire, attorney for the Plaintiff, hereby certify that I served a true and correct copy of the foregoing Petition to Allow Service on the Defendant by Regular Mail, Certified Mail, and Posting Pursuant to Pa.R.C.P. 430, by United States Mail, first class, postage prepaid, on the 23rd day of March, 2004, upon the following:

Michael J. Stewart
95 Alexander Lane F/K/A RR 1 Box 533, Houtzdale, PA 16651.
Woodward, PA 16651


TERRENCE J. McCABE, ESQUIRE

LARRY DEL VECCHIO
PROCESS SERVER FOR
MCCABE, WEISBERG & CONWAY, P.C.
P.O. BOX 3221
WARMINISTER, PA 18974
(215) 442-5668
(215) 442-9727 FAX

Beneficial Consumer Discount Company d/b/a : COURT OF COMMON PLEAS
Beneficial Mortgage Co. of Pennsylvania : CLEARFIELD COUNTY

VS.

MICHAEL J. STEWART : NO. 03-1226-CD

LAST KNOWN ADDRESS: RR1, Box 533, Houtzdale, PA 16651

LOAN NUMBER: 5-2019PA

AFFIDAVIT OF GOOD FAITH EFFORT TO LOCATE DEFENDANT (S)

I hereby certify that on March 12, 2004, a good faith effort was made to discover the correct address of said defendant (s), by:

1. **Inquiry of Postal authority;**
Postal authority states defendant has not filed a change of address.
2. **Examination of local telephone directories and 411 assistance;**
Michael Stewart, 95 Alexander Ln., Woodward, PA, 16651, (814) 339-7202, stated his new address is a 911 change for the property address. His BK has been discharged. This is his current address.
3. **Neighbor Contacts:**
N/A
4. **Tax Information:**
- Tax office has mailing address same as property, RR1, Box 533
5. **Death Records:**
- Social Security has no death records for the defendant under his SSN
6. **Voter Registration:**
The defendant is registered at property, RR1, Box 533

I certify that this information is true and correct to the best of my knowledge, information and belief.

NOTARY PUBLIC:

Sworn to and described
before me this 22nd day

of March 2004.

Michelle A. Holack

BY: *[Signature]*
Larry Del Vecchio, Process Server

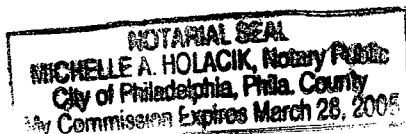


EXHIBIT "A"

LARRY DEL VECCHIO
PROCESS SERVER FOR
MCCABE, WEISBERG & CONWAY, P.C.

P.O. BOX 3221
WARMINSTER, PA. 18974

(215) 442-5668
FAX (215) 442-9727

March 12, 2004

Postmaster
Houtzdale, PA 16651

REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS

Please furnish the new address or the name and street address (if a boxholder) for the following:


Name: Michael J. Stewart
Address: RR1, Box 533
Houtzdale, PA 16651

The following information is provided in accordance with 39 CFR 265.6(d) (4) (ii). There is no fee for providing boxholder information. The fee providing change of address information is waived in accordance with 39 CFR 265.6 (d) (1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester: Process Server
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting Pro Se- except a corporation acting Pro Se must cite statute: Process Server for McCabe, Weisberg & Conway, P.C. (Rule 400.1.b)
3. The names of all known parties to this litigation:
Beneficial CDC v. Michael J. Stewart & Joy E. Stewart
4. The court in which the case has been or will be heard:
Clearfield County Court of Common Pleas
5. The docket or other identifying number if one has been assigned:
03-1226CD
6. The capacity in which this individual is to be served:
Defendant(s)

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR 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 \$10,000.00 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 U.S.C. 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.

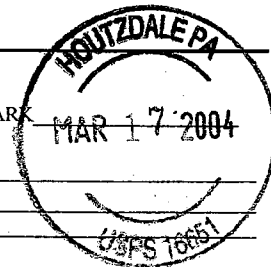

LARRY DEL VECCHIO
For McCabe, Weisberg & Conway, P.C.

P.O. Box 3221
Warminster, PA. 18974

FOR THE POST OFFICE USE ONLY
NO CHANGE OF ADDRESS ORDER ON FILE

NEW ADDRESS OR BOXHOLDER'S NAME AND PHYSICAL STREET ADDRESS:

POST MARK



REAL ESTATE SALE

REAL ESTATE SALE

EXECUTION SERVICE SHEET

DKT: EX PAGE: 15098

DATE RECEIVED: DECEMBER 5, 2003

DEPUTY RECEIVED: 01-23-04

DEFENDANT(S): MICHAEL J. STEWART

JOY E. STEWART

ADDRESS: RR 1 BOX 533
HOUTZDALE, PA 16651

819 HANNAH STREET
HOUTZDALE, PA 16651

LEVY & POST AT: SAME AS ABOVE

SERVE AND LEAVE WITH: DEFENDANT POST GARNISHEE

WRIT OF EXECUTION NOTICE OF SALE TO POST / SERVE WRIT LEVY

INTERROGATORIES TO GARNISHEE

WRIT OF POSSESSION

MUST BE SERVED, POSTED OR LEVIED BY: FEBRUARY 20, 2004

DATE SERVED, POSTED OR LEVIED: _____

TIME: _____

NAME OF PERSON SERVED: _____

TITLE: _____

WHERE SERVED /POSTED(ADDRESS): _____

DEFENDANT(S): RESIDENCE EMPLOYMENT

SIGNATURE OF PERSON SERVED: _____

DATE: _____

ATTEMPTS: 1-30-04- 10:43^{AM} - N/A

3-2-04- 10:30^{AM} - N/A

2-5-04- 9:00^{AM} - N/A

PERSONAL PROPERTY: AMOUNT DUE AT PRESENT - \$

SPECIAL DIRECTIONS:

EXHIBIT 13

NO 03-226-CD STEWART

SERVED, POSTED OR LEVIED ON BY: _____

FILED *ice*
Any McCabe
3/26/04
MAR 26 2004
William A. Shaw
Prothonotary/Clerk of Courts

CA

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

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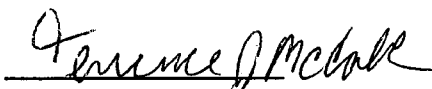
Clearfield County

Court of Common Pleas

Number 03-1226- CD

MOTION COURT COVER SHEET

TYPE OF MOTION BEING FILED: AMENDED MOTION FOR ALTERNATIVE SERVICE


TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

FILED

MAY 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

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Clearfield County
Court of Common Pleas

Number 03-1226- CD

FILED

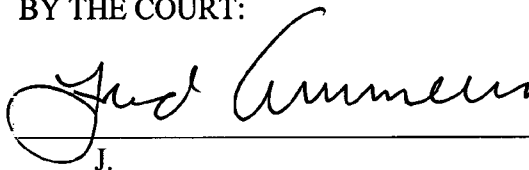
MAY 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

AMENDED ORDER

AND NOW, this 19 day of May, 2004, the Plaintiff is granted leave to serve the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendants' last-known addresses and the mortgage premises of the herein Mortgage Foreclosure action known as 95 Alexander Lane, Houtzdale, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651 and 819 Hannah Street, Houtzdale, PA 16651. The last-known addresses are amended to reflect the correct city in which the property is located from that of a previous order for a Motion for Alternative Service Pursuant to Pa.R.C.P. 430 whichh was signed by the Honorable Frederic J. Ammerman. A copy of said previous order is attached hereto and marrked as Exhibit "A."

BY THE COURT:


J.

FILED

200

By: Andy Peter Smith

01 2:30 PM
MAY 19 2004

400

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

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Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226- CD

ORDER

AND NOW, this 29 day of March, 2004, the Plaintiff is granted leave to serve the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendants' last-known address of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651.

EXHIBIT "A"

BY THE COURT:

/s/ Fredric J. Ammerman

J.

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

MAR 29 2004

Attest.

William B. Shaw
Prothonotary/
Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

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Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
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v.

Michael J. Stewart

and

Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226- CD

PETITION TO ALLOW SERVICE ON THE DEFENDANTS
BY REGULAR MAIL, CERTIFIED MAIL AND POSTING
PURSUANT TO PA RULE OF CIVIL PROCEDURE 430

1. Per Plaintiff's conversation with the Clearfield County Sheriff's Office on March 2, 2004, the Sheriff was unable to serve true and correct copies of the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, at the address of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 1665, as there was no response.
2. Plaintiff has searched for a forwarding address for the Defendant, Michael J. Stewart, and the Post Master has advised that there is no change of address order on file for the Defendant from the address of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651. A copy of the documentation indicating the same is attached hereto and marked as Exhibit "A."
3. Plaintiff has investigated the Defendant, Michael J. Stewart, Voter Registration Record, and the Clearfield County Election Office advised that they have the defendant

registered to vote at 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

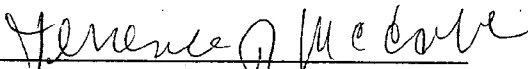
4. Plaintiff has inquired with local Directory Assistance for an address for Defendant, Michael J. Stewart. The defendant was listed as Michael Stewart, 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651, (814) 339-7202. Defendant states his new address is a 911 change for property address. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

5. Plaintiff has inquired with the Tax Office for mailing address for defendant, tax office has mailing address same as property, 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

6. Plaintiff has inquired with Social Security Administration, Social Security does not have death records for defendant. A copy of the letter conveying the same is attached hereto and marked as Exhibit "A".

7. If service cannot be made on the Defendant, Michael J. Stewart, the Plaintiff will be prejudiced.

WHEREFORE, Plaintiff prays this Honorable Court grant an Order allowing the Plaintiff to serve the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendant's last-known address and mortgage premises of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651.


TERRENCE J. McCABE, ESQUIRE

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

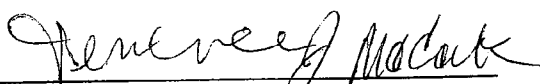
Clearfield County
Court of Common Pleas

Number 03-1226- CD

MEMORANDUM OF LAW

If a resident Defendant has obstructed or prevented service of process by concealing his/her whereabouts or otherwise, the Plaintiff shall have the right of service in such a manner as the Court by special order shall direct service pursuant to P.R.C.P. 430.

WHEREFORE, Plaintiff prays this service be made.


TERRENCE J. McCABE, ESQUIRE

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

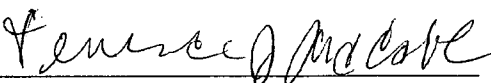
Clearfield County
Court of Common Pleas

Number 03-1226- CD

CERTIFICATION OF SERVICE

I, Terrence J. McCabe, Esquire, attorney for the Plaintiff, hereby certify that I served a true and correct copy of the foregoing Petition to Allow Service on the Defendant by Regular Mail, Certified Mail, and Posting Pursuant to Pa.R.C.P. 430, by United States Mail, first class, postage prepaid, on the 23rd day of March, 2004, upon the following:

Michael J. Stewart
95 Alexander Lane F/K/A RR 1 Box 533, Houtzdale, PA 16651.
Woodward, PA 16651


TERRENCE J. McCABE, ESQUIRE

LARRY DEL VECCHIO
PROCESS SERVER FOR
MCCABE, WEISBERG & CONWAY, P.C.
P.O. BOX 3221
WARMINSTER, PA 18974
(215) 442-5668
(215) 442-9727 FAX

Beneficial Consumer Discount Company d/b/a : COURT OF COMMON PLEAS
Beneficial Mortgage Co. of Pennsylvania : CLEARFIELD COUNTY

VS.

MICHAEL J. STEWART : NO. 03-1226-CD

LAST KNOWN ADDRESS: RR1, Box 533, Houtzdale, PA 16651

LOAN NUMBER: 5-2019PA

AFFIDAVIT OF GOOD FAITH EFFORT TO LOCATE DEFENDANT (S)

I hereby certify that on March 12, 2004, a good faith effort was made to discover the correct address of said defendant (s), by:

1. Inquiry of Postal authority;

Postal authority states defendant has not filed a change of address.

2. Examination of local telephone directories and 411 assistance;

Michael Stewart, 95 Alexander Ln., Woodward, PA, 16651, (814) 339-7202, stated his new address is a 911 change for the property address. His BK has been discharged. This is his current address.

3. Neighbor Contacts:

N/A

4. Tax Information:

- Tax office has mailing address same as property, RR1, Box 533

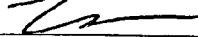
5. Death Records:

- Social Security has no death records for the defendant under his SSN

6. Voter Registration:

The defendant is registered at property, RR1, Box 533

I certify that this information is true and correct to the best of my knowledge, information and belief.

BY: 
Larry Del Vecchio, Process Server

NOTARY PUBLIC:

Sworn to and described
before me this 22nd day
of March 2004.



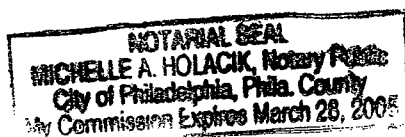


EXHIBIT "A"

LARRY DEL VECCHIO
PROCESS SERVER FOR
MCCABE, WEISBERG & CONWAY, P.C.

P.O. BOX 3221
WARMINSTER, PA. 18974

(215) 442-5668
FAX (215) 442-9727

March 12, 2004

Postmaster
Houtzdale, PA 16651

REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS

Please furnish the new address or the name and street address (if a boxholder) for the following:


Name: Michael J. Stewart
Address: RR1, Box 533
Houtzdale, PA 16651

The following information is provided in accordance with 39 CFR 265.6(d) (4) (ii). There is no fee for providing boxholder information. The fee providing change of address information is waived in accordance with 39 CFR 265.6 (d) (1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester: Process Server
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting Pro Se- except a corporation acting Pro Se must cite statute: Process Server for McCabe, Weisberg & Conway, P.C. (Rule 400.1.b)
3. The names of all known parties to this litigation:
Beneficial CDC v. Michael J. Stewart & Joy E. Stewart
4. The court in which the case has been or will be heard:
Clearfield County Court of Common Pleas
5. The docket or other identifying number if one has been assigned:
03-1226CD
6. The capacity in which this individual is to be served:
Defendant(s)

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR 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 \$10,000.00 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 U.S.C. 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.

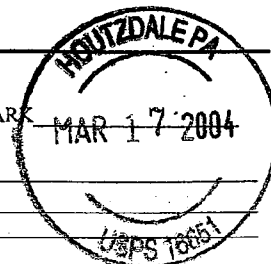

LARRY DEL VECCHIO
For McCabe, Weisberg & Conway, P.C.

P.O. Box 3221
Warminster, PA. 18974

☒ **FOR THE POST OFFICE USE ONLY**
NO CHANGE OF ADDRESS ORDER ON FILE

NEW ADDRESS OR BOXHOLDER'S NAME AND PHYSICAL STREET ADDRESS:

POST MARK



REAL ESTATE SALE

REAL ESTATE SALE

EXECUTION SERVICE SHEET

DKT: EX PAGE: 15098

DATE RECEIVED: DECEMBER 5, 2003

DEPUTY RECEIVED: 01-23-04

DEFENDANT(S): MICHAEL J. STEWART

JOY E. STEWART

ADDRESSES: RR 1 BOX 533
HOUTZDALE, PA 16651

819 HANNAH STREET
HOUTZDALE, PA 16651

LE VY & POST AT: SAME AS ABOVE

SERVE AND LEAVE WITH: DEFENDANT POST GARNISHEE

WRIT OF EXECUTION NOTICE OF SALE TO POST / SERVE WRIT LEVY

INTERROGATORIES TO GARNISHEE

WRIT OF POSSESSION

MUST BE SERVED, POSTED OR LEVIED BY: FEBRUARY 20, 2004

DATE SERVED, POSTED OR LEVIED: _____ TIME: _____

NAME OF PERSON SERVED: _____

TITLE: _____

WHERE SERVED / POSTED (ADDRESS): _____

DEFENDANT(S): RESIDENCE EMPLOYMENT

SIGNATURE OF PERSON SERVED: _____

DATE: _____

ATTEMPTS: 1-30-04- 10:43^{AM} - N/H

2-2-04- 10:30^{AM} - N/H

2-8-04- 9:00^{AM} - N/H

PERSONAL PROPERTY: AMOUNT DUE AT PRESENT - \$

SPECIAL DIRECTIONS:

EXHIBIT

NO 03-226-CD STEWART

SERVED, POSTED OR LEVIED ON BY: _____

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

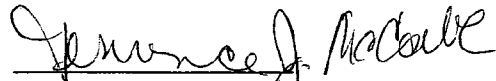
Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226- CD

MOTION COURT COVER SHEET

TYPE OF MOTION BEING FILED: MOTION FOR ALTERNATIVE SERVICE



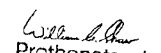
TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

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

MAR 26 2004

Attest.


Prothonotary/
Clerk of Courts

FILED 2cc
2:30 PM
MAY 19 2004
Ang Peter Smith

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

123 South Broad Street, Suite 2080

Philadelphia, PA 19109

(215) 790-1010

**Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania**

v.

Michael J. Stewart

and

Joy E. Stewart

**Clearfield County
Court of Common Pleas**

Number 03-1226- CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :

SS.

COUNTY OF PHILADELPHIA :

FILED

JUN 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

I, Terrence J. McCabe, Esquire, being duly sworn according to law, deposes and says that the following is true and correct to the best of his knowledge and belief:

1. That he is counsel for the above-named Plaintiff;
2. That on May 20, 2004, per the attached Court Order, Plaintiff served a true and correct copy of the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, by regular mail, certificate of mailing and certified mail, return receipt requested, addressed to his last-known addresses and the mortgage premises of, 95 Alexander Lane, Houtzdale, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651 and 819 Hannah Street, Houtzdale, PA 16651. True and correct copies of the letters, certificate of mailings and certified receipts are attached hereto, made a part hereof,

and marked as Exhibit "A."

3. Per a conversation with the Clearfiled County Sheriff's office, that on May 24, 2004 in accordance with the attached Court Order, Plaintiff served a true and correct copy of the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart by posting the same at the mortgage premise of 819 Hannah Street, Houtzdale, PA 16651.

4. Per a conversation with the Clearfiled County Sheriff's office, that on June 1, 2004 in accordance with the attached Court Order, Plaintiff served a true and correct copy of the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart by posting the same at the mortgage premise of 95 Alexander Lane, Houtzdale, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 3rd DAY

OF June 2004.

Michelle A. Holacik

NOTARY PUBLIC

Terrence J. McCabe

TERRENCE J. MCCABE, ESQUIRE



McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

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

MAY 19 2004

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart
and
Joy E. Stewart

Clearfield County
Court of Common Pleas

Attest.

W. J. D.
Prothonotary/
Clerk of Courts

Number 03-1226- CD

AMENDED ORDER

AND NOW, this 19 day of May, 2004, the Plaintiff is granted leave to serve the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendants' last-known addresses and the mortgage premises of the herein Mortgage Foreclosure action known as 95 Alexander Lane, Houtzdale, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651 and 819 Hannah Street, Houtzdale, PA 16651. The last-known addresses are amended to reflect the correct city in which the property is located from that of a previous order for a Motion for Alternative Service Pursuant to Pa.R.C.P. 430 which was signed by the Honorable Frederic J. Ammerman. A copy of said previous order is attached hereto and marked as Exhibit "A."

BY THE COURT:

/s/ Fredric J. Ammerman

J.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

Postmark
Here

Sent To:

Michael J. Stewart
Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800 January 2001

See Reverse for Instructions

LAW OFFICES
ISBERG & CONWAY, P.C.

SUITE 2080
SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
(215) 790-1010
FAX (215) 790-1274

SUITE 600
216 HADDON AVENUE
WESTMONT, NJ 08108
(856) 858-7080
FAX (856) 858-7020

SUITE 205
53 WEST 36th STREET
NEW YORK, NY 10018
(917) 351-1188
FAX (917) 351-0363

Michael J. Stewart
95 Alexander Lane, F/K/A RR 1 BOX 533
Houtzdale, PA 16651

Re: Beneficial Consumer Discount Co., et al v. Stewart
C.C.P.; Clearfield County; No. 03-1226-CD
Property: RR 1 BOX 533, Houtzdale, PA 16651 and
819 Hannah Street, Houtzdale, PA 16651

Dear Mr. Stewart:

Enclosed please find Notice of Sheriff's Sale of Real Property relative to the above-captioned matter.

Very truly yours,

TERRENCE J. McCABE

TJM/mg
SENT VIA REGULAR MAIL AND
CERTIFIED MAIL NUMBER 7001-2510-0008-7227-2387

EXHIBIT "A"

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 4.42

Postmark
Here

Sent To
Michael J. Stewart
Street, Apt. No.,
or PO Box No. 819 Hannah St
City, State, Zip+4
Houtzdale, PA 16651
FS Form 3800, January 2001

LAW OFFICES
ISBERG & CONWAY, P.C.
SUITE 2080
SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
(215) 790-1010
FAX (215) 790-1274

SUITE 600
216 HADDON AVENUE
WESTMONT, NJ 08108
(856) 858-7080
FAX (856) 858-7020

SUITE 205
53 WEST 36th STREET
NEW YORK, NY 10018
(917) 351-1188
FAX (917) 351-0363

Michael J. Stewart
819 Hannah Street
Houtzdale, PA 16651

Re: Beneficial Consumer Discount Co., et al v. Stewart
C.C.P.; Clearfield County; No. 03-1226-CD
Property: RR 1 BOX 533, Houtzdale, PA 16651 and
819 Hannah Street, Houtzdale, PA 16651

Dear Mr. Stewart:

Enclosed please find Notice of Sheriff's Sale of Real Property relative to the above-captioned matter.

Very truly yours,

TERRENCE J. McCABE

TJM/mg
SENT VIA REGULAR MAIL AND
CERTIFIED MAIL NUMBER 7001-2510-0008-7227-2370

Name and Address of Sender
McCabe, Weisberg and Conway, P.C.
123 S. Broad St., Suite 2080
Philadelphia, PA 19109
Attn: Michelle Glynn

Check type of mail or service:
☐ Certified
☐ COD
☐ Delivery Confirmation
☐ Express Mail
☐ Insured
☐ Recorded Delivery (International)
☐ Registered
☐ Return Receipt for Merchandise
☐ Signature Confirmation

Affix Stamp Here
(if issued as a
certificate of mailing,
or for additional
copies of this bill)
Postmark and
Date of Receipt

Line	Article Number	Addressee Name, Street and PO Address	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1	Bene v. Michael J. Stewart	Michael J. Stewart, 95 Alexander Ln, F/K/A RR 1 BOX 533, Houtzdale, PA 16651											
2	Bene v. Michael J. Stewart	Michael J. Stewart, 819 Hannah Street, Houtzdale, PA 16651											
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)									

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$500 per piece subject to additional limitations for multiple pieces not or damages in a single catastrophic occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500, but only for registered mail. See Domestic Mail Manual R400, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.

16822970
707845
6119
J.S. POSTAGE
1-800
PHILADELPHIA
MAY 20 04
19109

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15098

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORT 03-1226-CD

VS.

STEWART, MICHAEL J.

FILED
01/23/04
OCT 04 2004

WRIT OF EXECUTION

REAL ESTATE

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURNS

**NOW, JANUARY 29, 2004 @ 10:40 A.M. O'CLOCK A LEVY WAS TAKEN ON THE
PROPERTY OF THE DEFENDANTS AT RR 1, BOX 533, HOUTZDALE, PA.**

**NOW, JANUARY 30, 2004 @ 10:43 A.M. O'CLOCK A LEVY WAS TAKEN ON THE
PROPERTY OF THE DEFENDANTS AT 819 HANNAH STREET, HOUTZDALE, PA.**

**NOW, FEBRUARY 5, 2004 @ 10:45 A.M. O'CLOCK THE PROPERTY AT 819 HANNAH
STREET, HOUTZDALE, PA WAS POSTED.**

**NOW, FEBRUARY 5, 2004 @ 11:10 A.M. O'CLOCK THE PROPERTY AT RR1, BOX
533, HOUTZDALE, PA WAS POSTED.**

**NOW, FEBRUARY 5, 2004 @ 10:50 A.M. O'CLOCK SERVED JOY E. STEWART,
DEFENDANT, AT HER PLACE OF EMPLOYMENT, CATHY'S CLAWS, RT 53, HOUTZDALE
PA,, BY HANDING TO JOY E. STEWART, 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 HER THE CONTENTS THEREOF.**

**NOW, MAY 18, 2004 @ 10:04 A.M. O'CLOCK POSTED THE PROPERTY OF THE
DEFENDANTS AT RR1, BOX 533, HOUTZDALE PER COURT ORDER.**

**NOW, MAY 24, 2004 @ 10:38 A.M. O'CLOCK POSTED THE PROPERTY OF THE
DEFENDANTS AT 819 HANNAH STREET, HOUTZDALE, PA PER COURT ORDER.**

**NOW, JUNE 1, 2004 AT 10:09 A.M. POSTED THE PROPERTY OF THE DEFENDANTS
AT RR1, BOX 533, HOUTZDALE, PA PER ATTORNEY REQUEST.**

**NOW, MAY 21, 2004 SERVED MICHAEL J. STEWART BY CERTIFIED AND REGUALR
MAIL, SIGNED FOR ON MAY 21, 2004 BY UNKOWN SIGNATURE, AT 95 ALEXANDER**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15098

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORT 03-1226-CD

VS.

STEWART, MICHAEL J.

WRIT OF EXECUTION

REAL ESTATE

SHERIFF RETURNS

**LANE, F/A/A RR 1, BOX 533, HOUTZDALE, PA WITH A TRUE AND ATTESTED COPY
OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE
LEVY. CERTIFIED #70023150000078545412**

**NOW, JULY 2, 2004 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANTS.
THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$1.00 + COSTS.**

NOW, JULY 12, 2004 BILLED THE ATTORNEY FOR ADDITIONAL COSTS DUE.

**NOW, JULY 15, 2004 RECEIVED CHECK FROM THE ATTORNEY FOR ADDITIONAL
COSTS.**

**NOW, OCTOBER 4, 2004 PAID THE COSTS FROM THE ADVANCE AND ADDITIONAL
CHECK.**

**NOW, OCTOBER 4, 2004 RETURN THE WRIT AS A SALE BEING HELD ON THE
PROPERTY OF THE DEFENDANTS THE PROPERTY WAS PURCHASED BY THE
PLAINTIFF FOR \$1.00 + COSTS.**

NOW, OCTOBER 4, 2004 A DEED WAS FILED.

**SHERIFF HAWKINS \$334.94
SURCHARGE \$40.00
PAID BY ATTORNEY**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15098

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORT 03-1226-CD

VS.

STEWART, MICHAEL J.

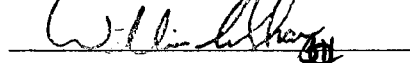
WRIT OF EXECUTION

REAL ESTATE

SHERIFF RETURNS

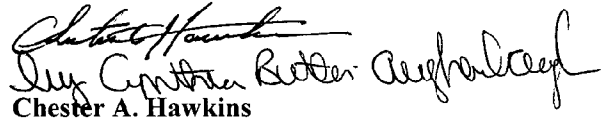
Sworn to Before Me This

4th Day Of Octy 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 and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW**

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania

Vs.

NO.: 2003-01226-CD

Michael J. Stewart and
Joy E. Stewart

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a Beneficial Mortgage Company of Pennsylvania, Plaintiff(s) from MICHAEL J. STEWART and JOY E. STEWART, Defendant(s):

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

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

Garnishee(s) as follows:

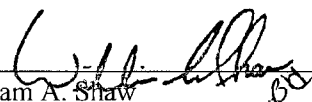
and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

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

AMOUNT DUE: \$120,320.93
INTEREST from 12/4/03 to date of sale, per diem
\$19.78
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 12/08/2003

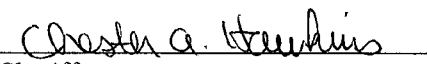
PAID: \$125.00
SHERIFF: \$

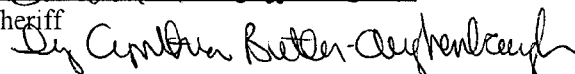
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 5th day
of December A.D. 2003
At 3:00 A.M./P.M.



Sheriff


Requesting Party: Terrence J. McCabe, Esq.
123 S. Broad St., Ste. 2080
Philadelphia, PA 19109
(215) 790-1010

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground situate in the Borough of Houtzdale, Clearfield County, Pennsylvania and bounded and described as follows:

FRONTING on Hannah Street Thirty (30') feet and running South to the right of way of Pennsylvania Railroad. Bounded on the East by lot now or formerly of Joseph Huber; on the South by the Pennsylvania Railroad (formerly Penn siding); on the West by Lot now or formerly of Robert Hutchinson; on the North by Hannah Street. It being known and designated as part of Lot No. 281 in the general plan of said Borough; and having thereon erected a two-story frame building, occupied as an office and apartment dwelling.

EXCEPTING AND RESERVING all the stone, coal and other minerals lying and being underneath the said premises with the free and full right of ingress, egress and regress, to dig, mine and carry away the same free from all claim of claims of damages whatsoever.

PARCEL #10-M14-392-16

BEING KNOWN as 819 Hannah Street, Houtzdale, PA 16651

TITLE TO SAID premises is vested in Michael J. Stewart and Joy E. Stewart by Deed from Michelle Delfosse Peacock, formerly Michelle Delfosse Carey dated 2/17/1993 and recorded 2/19/1993 in Deed Book 1515 Page 68.

LEGAL DESCRIPTION

ALL THAT CERTAIN lot of land situate Woodward Township, Clearfield County, Pennsylvania more particularly bounded and described as follows:

BEGINNING at a point on the western right-of-way line of a township road, said point being fifty (50) feet north from the northeast corner of Grantors' house; thence along land of the Grantors in a generally westerly direction, a distance of one hundred (100) feet to a point; thence along other land of the Grantors in a generally northerly direction a distance of seventy-two (72) feet to a point; thence in a generally easterly direction a distance of one hundred (100) feet to a point on the Western right-of-way line of a township road; thence in a generally southerly direction along the western right-of-way of said road a distance of seventy-two (72) feet to a point, the place of beginning. Being a rectangular parcel of land seventy-two (72) feet by one hundred (100) feet, fronting seventy-two (72) feet on the western side of said township road and being improved with a house and integral garage.

BEING part of a larger tract of land owned by he Grantors.

PARCEL #130-L12-33

BEING KNOWN as RR 1 BOX 533, Houtzdale, PA 16651

TITLE TO SAID premises is vested in Michael J. Stewart and Joy E. Stewart by Deed from Ivan W. Yarger and Eleanor M. Yarger, his wife, dated 7/30/1981 and recorded 8/4/1981 in Deed Book 816 Page 402.

REAL ESTATE SALE SCHEDULE OF DISTRIBUTION

NAME STEWART NO. 03-1226-CD

NOW, JULY 2, 2004, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on the 2ND day of JULY 2004, I exposed the within described real estate of MICHAEL J. STEWART AND JOY E. STEWART to public venue or outcry at which time and place I sold the same to BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA he/she being the highest bidder, for the sum of \$1.00 + COSTS and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	13.50
LEVY	15.00
MILEAGE	13.50
POSTING	15.00
CSDS	10.00
COMMISSION 2%	
POSTAGE	14.94
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	45.00
ADD'L MILEAGE	27.00
	15.00
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES/BILLING	15.00
	5.00
BILLING/PHONE/FAX	15.00

TOTAL SHERIFF COSTS 334.94

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	31.00
TRANSFER TAX 2%	
TOTAL DEED COSTS	31.00

PLAINTIFF COSTS, DEBT & INTEREST:

DEBT-AMOUNT DUE	120,320.93
INTEREST FROM 12/4/03 @ 19.78	
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 120,320.93

COSTS:

ADVERTISING	526.68
TAXES - collector TO 1/05	418.33
TAXES - tax claim TO SEPT	5,580.31
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	31.00
SHERIFF COSTS	334.94
LEGAL JOURNAL AD	180.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	

TOTAL COSTS 7,341.26

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

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

Clearfield County
Court of Common Pleas

Number 03-1226- CD

ORDER

AND NOW, this 29 day of March, 2004, the Plaintiff is granted leave to serve the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendants' last-known address of 95 Alexander Lane, Woodward, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651.

BY THE COURT:

/s/ Fredric J. Ammerman

J.

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

MAR 29 2004

Attest.

William L. Hines
Prothonotary/
Clerk of Courts

LAW OFFICES
McCABE, WEISBERG & CONWAY, P.C.SUITE 2080
FIRST UNION BUILDING
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
(215) 790-1010

TERRENCE J. McCABE

FAX (215) 790-1274

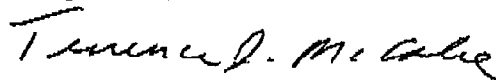
SUITE 600
216 HADDON AVENUE
WESTMONT, NJ 08108
(609) 858-7080
FAX (609) 858-7020SUITE 5225
500 FIFTH AVENUE
NEW YORK, NY 10110
(212) 575-1010
FAX (212) 575-2537Sheriff's Office
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830RE: Beneficial Consumer Discount Co., et al v. Stewart
Property: RR 1 BOX 533, Houtzdale, PA 16651 and 819 Hannah
Street Houtzdale, PA 16651
Civil Docket Number: 03-1226-CD

Dear Sheriff:

As you know, the above-captioned matter is currently scheduled for the APRIL 2, 2004 Sheriff's Sale. I am requesting at this time that you postpone this matter to the JULY 2, 2004 Sheriff's Sale.

As acknowledgment of this postponement, I would appreciate your signing or time-stamping a copy of this letter and faxing the same to my attention. Thank you for your cooperation.

Very truly yours,



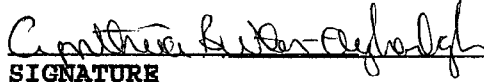
TERRENCE J. McCABE

TJM/gm

Enclosures

SENT VIA FACSIMILE TRANSMITTAL--NUMBER 814-765-5915

SHERIFF'S OFFICE-RECEIVED BY:


SIGNATURE4-1-04
DATE

From:

05/19/2004 13:49 #037 P.002/002

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

Identification Number 16496

First Union Building

123 South Broad, Suite 2080

Philadelphia, Pennsylvania 19109

(215) 790-1010

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

MAY 19 2004

Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Michael J. Stewart

and

Joy E. Stewart

Clearfield County
Court of Common Pleas

Attest.

Wanda R. R.
Prothonotary/
Clerk of Court

Number 03-1226- CD

AMENDED ORDER

AND NOW, this 19 day of May, 2004, the Plaintiff is granted leave to serve the Notice of Sheriff's Sale upon the Defendant, Michael J. Stewart, by regular mail; by certified mail, return receipt requested; and by posting of the Notice by the Sheriff of Clearfield County at Defendants' last-known addresses and the mortgage premises of the herein Mortgage Foreclosure action known as 95 Alexander Lane, Houtzdale, PA 16651 F/K/A RR 1 Box 533, Houtzdale, PA 16651 and 819 Hannah Street, Houtzdale, PA 16651. The last-known addresses are amended to reflect the correct city in which the property is located from that of a previous order for a Motion for Alternative Service Pursuant to Pa.R.C.P. 430 which was signed by the Honorable Frederic J. Ammerman. A copy of said previous order is attached hereto and marked as Exhibit "A."

BY THE COURT:

/s/ Fredric J. Ammerman

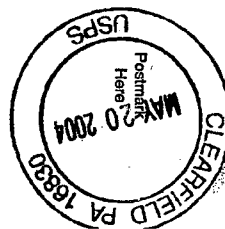
J.

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$.60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To: **Michael J. Stewart**
 Street, Apt. No.: **819 Hannah Street**
 or PO Box No.:
 City, State, ZIP+4: **Houtzdale, PA 16651**
 PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 7854 5405

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, on the front if space permits.

Article Addressed to:

Michael J. Stewart
Hannah Street
Houtzdale, PA 16651

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
James M. Kelly ☐ Addressee
 B. Received by (Printed Name) ☐ Date of Delivery
OK 5-21-04
 C. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No
 3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

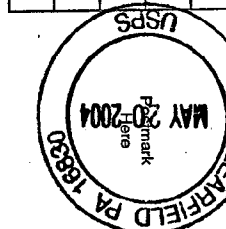
PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To: **Michael J. Stewart**
 Street, Apt. No.: **95 Alexander Lane**
 or PO Box No.: **F/K/A RR 1, Box 533**
 City, State, ZIP+4: **Houtzdale, PA 16651**
 PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 7854 5412

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, on the front if space permits.

Article Addressed to:

Michael J. Stewart
95 Alexander Lane
F/K/A RR 1, Box 533
Houtzdale, PA 16651

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
James M. Kelly ☐ Addressee
 B. Received by (Printed Name) ☐ Date of Delivery
5-21-04
 C. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No
 3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) **7002 3150 0000 7854 5412**
 PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2506