

03-1340-CD  
ABN AMBA MORTGAGE GROUP, INC. vs. JOHN W. COULTER

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

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ABN AMRO MORTGAGE GROUP, INC.  
7159 CORKLAN DRIVE  
JACKSONVILLE, FL 32258

Plaintiff

v.

JOHN W. COULTER  
283 PARK AVENUE  
MORRISDALE, PA 16858

Defendant(s)

**CIVIL ACTION - LAW**  
**COMPLAINT IN 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, 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.

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

**FILED**

SEP 11 2003

William A. Shaw  
Prothonotary

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

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

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

1. Plaintiff is

ABN AMRO MORTGAGE GROUP, INC.  
7159 CORKLAN DRIVE  
JACKSONVILLE, FL 32258

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

JOHN W. COULTER  
283 PARK AVENUE  
MORRISDALE, PA 16858

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

3. On 3/17/2000 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200003927.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2003 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$34,144.92
Interest	1,334.97
04/01/2003 through 09/10/2003 (Per Diem \$8.19)	
Attorney's Fees	1,250.00
Cumulative Late Charges	49.51
03/17/2000 to 09/10/2003	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 37,329.40
Escrow	
Credit	0.00
Deficit	946.84
Subtotal	<u>\$ 946.84</u>
<b>TOTAL</b>	<b>\$ 38,276.24</b>

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 38,276.24, together with interest from 09/10/2003 at the rate of \$8.19 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

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

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LOCATED AND SITUATE IN GRAHAM TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON LINE OF LANDS NOW OR FORMERLY OF SHIRLEY, HARVEY AND DEBORAH K. HUBLER, SAID PIN LOCATED AT THE NORTHEASTERN CORNER OF PROPERTY, PARCEL NUMBER 3, AS SHOWN ON A SURVEY MAP DATED JUNE 3, 1980 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN THE CLEARFIELD COUNTY COURTHOUSE IN MAP RACK 44; THENCE ALONG LINE OF LANDS NOW OR FORMERLY OF SHIRLEY T. HARVEY AND DEBORAH K. HUBLER SOUTH EIGHTY-THREE (83) DEGREES FORTY-NINE (49) MINUTES EAST, TWO THOUSAND EIGHT HUNDRED NINETY-EIGHT AND EIGHTY-SIX ONE-HUNDREDTHS (2898.86) FEET TO AN IRON PIN ON LINE OF LANDS NOW OR FORMERLY OF LELAND HUBLER; THENCE CONTINUING ALONG SAID LINE OF HUBLER, SOUTH SIX (6) DEGREES TWENTY-ONE (21) MINUTES WEST, FOUR HUNDRED FIFTY-THREE AND FORTY-SEVEN ONE-HUNDREDTHS (453.47) FEET TO A POINT ON LINE OF LANDS NOW OR FORMERLY OF FOSTER M. AND JOHN W. COULTER; THENCE ALONG SAID COULTER LANDS NORTH EIGHTY-THREE (83) DEGREES FORTY-NINE (49) MINUTES WEST, TWO THOUSAND SIX HUNDRED TWENTY AND SIXTY-TWO ONE-HUNDREDTHS (2620.62) FEET TO A POINT ON THE SOUTHERN MARGIN OF A TWENTY (20) FOOT RIGHT-OF-WAY LEADING FROM THIS PROPERTY TO LEGISLATIVE ROUTE 17061; THENCE CROSSING SAID TWENTY (20) FOOT RIGHT-OF-WAY, NORTH FOUR (4) DEGREES FORTY-ONE (41) MINUTES WEST TWENTY (20) FEET TO AN IRON PIN ON THE SOUTHEASTERN CORNER OF AFOREMENTIONED PROPERTY, PARCEL NUMBER 3; THENCE ALONG THE EASTERLY LINE OF PARCEL NUMBER 3, NORTH ONE (1) DEGREE TWO (2) MINUTES EAST TWO HUNDRED (200) FEET TO AN IRON PIN CORNER; THENCE CONTINUING ALONG LINES OF PARCEL NUMBER 3, NORTH EIGHTY-TWO (82) DEGREES FIVE (5) MINUTES WEST TWO HUNDRED FIFTY-SEVEN AND FIFTY ONE-HUNDREDTHS (257.50) FEET TO AN IRON PIN CORNER; THENCE NORTH SIX (6) DEGREES TWENTY-FOUR (24) MINUTES EAST TWO HUNDRED TWENTY-SIX AND EIGHTY-FIVE ONE-HUNDREDTHS (226.85) FEET TO AN IRON PIN AND PLACE OF BEGINNING. CONTAINING TWENTY-EIGHT AND EIGHTY-TWO ONE-HUNDREDTHS (28.82) ACRES.

BRING THE SAME PROPERTY CONVEYED TO JOHN W. COULTER, A SINGLE INDIVIDUAL BY DEED FROM DOUGLAS W. MAINES AND SHANNON M. MAINES, HIS WIFE, RECORDED 03/31/1999 AS DOCUMENT NUMBER 199904858.

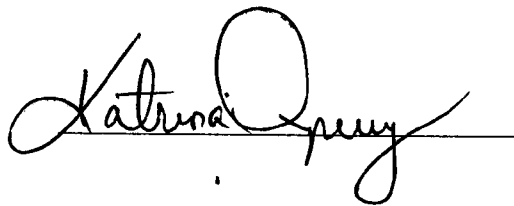
TAX ID NUMBER: 116-Q4-110

ORDER NUMBER: 1469515

PREMISES BEING: RR1 BOX 389

VERIFICATION

Katrina Dupuy hereby states that she is LOAN ADMINISTRATION OFFICER of ABN-AMRO MORTGAGE GROUP, INC. mortgage servicing agent for Plaintiff in this matter, that she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

A handwritten signature in cursive script, reading "Katrina Dupuy", written over a horizontal line.

DATE: \_\_\_\_\_

9/7/03

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

**ABN AMRO MORTGAGE GROUP, INC.**

**Sheriff Docket #**

**14566**

**VS.**

**03-1340-CD**

**COULTER, JOHN W.**

**COMPLAINT IN MORTGAGE FORECLOSURE**

**SHERIFF RETURNS**

NOW OCTOBER 6, 2003 AT 8:40 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN W. COULTER, DEFENDANT AT RESIDENCE, RR#1 BOX 389, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOHN W. COULTER A TRUE AND ATTESTED COPY OF THE ORIGNIAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: MCCLEARY/NEVLNIG.

NOW OCTOBER 6, 2003 AT 8:40 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN W. COULTER, DEFENDANT AT RESIDENCE, 209 COULTER LANE, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOHN W. COULTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: MCCLEARY/NEVLING

NOW OCTOBER 6, 2003 AT 8:40 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN W. COULTER, DEFENDANT AT RESIDENCE, 209 COULTER LANE, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOHN COULTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF. THE ADDRESS OF 283 PARK AVE., MORRISDALE, PA. IS THE RESIDENCE OF DEB HUBLER.

**Return Costs**

<b>Cost</b>	<b>Description</b>
<b>49.09</b>	<b>SHERIFF HAWKINS PAID BY: ATTY CK# 301141</b>
<b>30.00</b>	<b>SURCHARGE PAID BY: ATTY Ck#301142</b>

**Sworn to Before Me This**

13th Day Of Oct 2003  
William A. Shaw

**So Answers,**

Chester A. Hawkins  
by Maury Hamr  
Chester A. Hawkins  
Sheriff

**FILED**

OCT 13 2003

EHS  
William A. Shaw  
Prothonotary



**FEDERMAN AND PHELAN, LLP**

By: Frank Federman, Esquire I.D. No. 12248  
Lawrence T. Phelan, Esquire I.D. No. 32227  
Francis S. Hallinan, Esquire I.D. No. 62695  
One Penn Center at Suburban Station  
Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Plaintiff

**ABN AMRO MORTGAGE GROUP, INC.**

**Plaintiff**

**vs.**

**Court of Common Pleas  
CLEARFIELD County  
No. 03-1340-CD**

**JOHN W. COULTER**

**Defendant(s)**

**PRAECIPE TO WITHDRAW COMPLAINT, WITHOUT PREJUDICE,  
AND DISCONTINUE AND END**

TO THE PROTHONOTARY:

Kindly withdraw the complaint filed in the instant matter, without prejudice, and mark this case discontinued and ended, upon payment of your costs only.

10/15/03  
Date

Francis S. Hallinan  
Frank Federman, Esquire  
Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Attorneys for Plaintiff

**FILED**

OCT 20 2003

William A. Shaw  
Prothonotary

**FILED**

OCT 20 2003

William A. Shaw  
Prothonotary

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

**CIVIL DIVISION**

**ABN Amro Mortgage Group, Inc.**

**Vs.**

**No. 2003-01340-CD**

**John W. Coulter**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 20, 2003, marked:

Discontinued, Settled and Ended without Prejudice.

Record costs in the sum of \$164.09 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 20th day of October A.D. 2003.

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William A. Shaw, Prothonotary