

03-1608-CD
CHARTER ONE MORTGAGE CORP. vs. SHEILA KIM GRAHAM, et al.

03-1608-CD

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

ATTORNEY FOR PLAINTIFF

CHARTER ONE MORTGAGE CORPORATION,
S/B/M TO CHARTER ONE CREDIT CORPORATION,
F/K/A EQUITY ONE CREDIT CORPORATION
10561 TELEGRAPH ROAD
GLEN ALLEN, VA 23059

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 03-11608-CD

v.

CLEARFIELD COUNTY

SHEILA KIM GRAHAM
RANDY LEE GRAHAM
RR1 BOX 699A
A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

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 EXT. 5982

FILED

OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

**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
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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
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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
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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

CHARTER ONE MORTGAGE CORPORATION,
S/B/M TO CHARTER ONE CREDIT CORPORATION,
F/K/A EQUITY ONE CREDIT CORPORATION
10561 TELEGRAPH ROAD
GLEN ALLEN, VA 23059

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

SHEILA KIM GRAHAM
RANDY LEE GRAHAM
RR1 BOX 699A
A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

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

3. On 09/09/1998 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book No. 1969, Page 330.
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 03/14/2003 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	\$57,471.62
Interest	3,500.34
02/14/2003 through 10/28/2003 (Per Diem \$13.62)	
Attorney's Fees	1,250.00
Cumulative Late Charges	446.10
09/09/1998 to 10/28/2003	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 63,218.06
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 63,218.06

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.
10. 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 \$ 63,218.06, together with interest from 10/28/2003 at the rate of \$13.62 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
/s/Francis S. Hallinan

FRANK FEDERMAN, ESQUIRE

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN MORRIS
TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED
AS FOLLOWS:

BEGINNING AT AN IRON RAILROAD SPIKE IN THE WESTERN RIGHT OF WAY
LINE OF LEGISLATIVE ROUTE 17000 AND SAID IRON PIN BEING LOCATED
IN THE NORTHERN PROPERTY LINE OF LAND NOW OWNED BY RODGER
GRAFFIUS; THENCE ALONG LINE OF LANDS OF RODGER GRAFFIUS NORTH
EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44) MINUTES A DISTANCE OF
ONE HUNDRED SIXTY-FOUR (164.00) FEET TO AN IRON PIN CORNER, SAID
IRON PIN BEING LOCATED IN THE LINE OF LAND NOW OR FORMERLY OWNED
BY ALMEDA WALK; THENCE ALONG LINE OF LANDS NOW OR FORMERLY OF
ALMEDA WALK NORTH TWO (2) DEGREES FIFTEEN (15) MINUTES EAST A
DISTANCE OF ONE HUNDRED (100) FEET TO AN IRON PIPE CORNER; THENCE
ESTABLISHING A NEW LINE THROUGH LANDS NOW OR FORMERLY OF ALVERTA
QUICK AND ALONG LAND TO BE CONVEYED TO NORMAN J. QUICK, SR., AND
ROSE MARIE QUICK, SOUTH EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44)
MINUTES EAST, A DISTANCE OF ONE HUNDRED SIXTY-FOUR (164) FEET TO
AN IRON PIN CORNER ON THE WESTERN RIGHT OF WAY LINE OF L.R. NO.
17060; THENCE ALONG THE WESTERN RIGHT OF WAY LINE OF L.R. NO.
17060 SOUTH TWO (2) DEGREES FIFTEEN (15) MINUTES WEST, A DISTANCE
OF ONE HUNDRED (100.00) FEET TO THE RAILROAD SPIKE AND THE PLACE
OF BEGINNING. CONTAINING 0.376 ACRES.

BEING THE SAME PROPERTY CONVEYED TO RANDY LEE GRAHAM AND SHELIA
KIM GRAHAM, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETIES BY DEED
FROM MELVIN L. GRAHAM, JR., WIDOW, RECORDED 04/21/1997 IN DEED
BOOK 1835 PAGE 207.

TAX KEY NUMBER: 124-P10-9

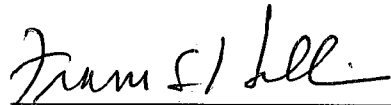
ORDER NO. 1488944

BEING KNOWN AS: RR1 BOX 699A A/K/A 767 WALLACETON ROAD

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, it is counsel's intention to substitute a verification from Plaintiff as soon as it is received by counsel.

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C. S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 10/28/03

1 Dec 03 Document
Reinstated/~~Reinstated~~ to Sheriff/~~Attorney~~
for service.
William A. Shaw
Deputy Prothonotary

7 Jan 04 Document
Reinstated/~~Reinstated~~ to ~~Sheriff~~/Attorney
for service.
William A. Shaw
Deputy Prothonotary

William A. Shaw
Prothonotary/Clerk of Courts

FILED
2cc shf
OCT 29 2003
11:19 AM
Atty pd. 85.00

FEDERMAN AND PHELAN, LLP
FRANK FEDERMAN, ESQ., Id. No. 12248
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
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(215) 563-7000

ATTORNEY FOR PLAINTIFF

CHARTER ONE MORTGAGE CORP., S/B/M : COURT OF COMMON PLEAS
TO CHARTER ONE :
CREDIT CORP., F/K/A EQUITY ONE : CIVIL DIVISION
CREDIT CORP. :
: CLEARFIELD County
Plaintiff


vs.

SHEILA KIM GRAHAM :
RANDY LEE GRAHAM : No. 03-1608-CD
:
:
:
Defendants :

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

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

Date: November 25, 2003

/cdc, Svc Dept.

FILED

DEC 01 2003

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

CHARTER NOE MORTGAGE CORP.

VS.

GRAHAM, SHEILA KIM & RANDY LEE

COMPLAINT IN MORTGAGE FORECLOSURE

Sheriff Docket #

14726

03-1608-CD

SHERIFF RETURNS

NOW NOVEMBER 5, 2003 AT 1:52 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RANDY LEE GRAHAM, DEFENDANT AT RESIDENCE, RR#1 BOX 699A a/k/a 767 WALLACETON ROAD, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RANDY LEE GRAHAM A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVLING

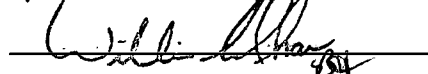
NOW DECEMBER 16, 2003 AFTER DILIGENT SEARCH IN MY BAILWICK I RETURN THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO SHEILA KIM GRAHAM, DEFENDANT. POSSIBLY IN MARYLAND.

Return Costs

Cost	Description
37.36	SHERIFF HAWKINS PAID BY: ATTY 309111
20.00	SURCHARGE PAID BY: ATTY CK 309812

Sworn to Before Me This

11th Day Of Dec 2003



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

So Answers,



Chester A. Hawkins
Sheriff

FILED

01/10:35 PM
DEC 16 2003

William A. Shaw
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP
By: FRANK FEDERMAN, ESQ., Id. No. 12248
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

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RANDY LEE GRAHAM
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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 EXT. 5982

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

OCT 29 2003

Attest.

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Credit	0.00
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TOTAL	\$ 63,218.06

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

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN MORRIS
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AS FOLLOWS:

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EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44) MINUTES A DISTANCE OF
ONE HUNDRED SIXTY-FOUR (164.00) FEET TO AN IRON PIN CORNER, SAID
IRON PIN BEING LOCATED IN THE LINE OF LAND NOW OR FORMERLY OWNED
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FROM MELVIN L. GRAHAM, JR., WIDOW, RECORDED 04/21/1997 IN DEED
BOOK 1835 PAGE 207.

TAX KEY NUMBER: 124-P10-9

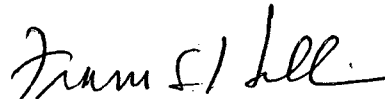
ORDER NO. 1488944

BEING KNOWN AS: RR1 BOX 699A A/K/A 767 WALLACETON ROAD

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, it is counsel's intention to substitute a verification from Plaintiff as soon as it is received by counsel.

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C. S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 10/28/03

In The Court of Common Pleas of Clearfield County, Pennsylvania

CHARTER NOE MORTGAGE CORP.

VS.

GRAHAM, SHEILA KIM & RANDY LEE

COMPLAINT IN MORTGAGE FORECLOSURE

Sheriff Docket # 14726

03-1608-CD

SHERIFF RETURNS

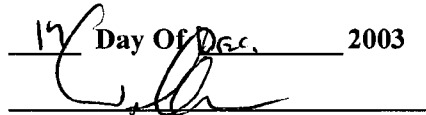
NOW DECEMBER 3, 2003, DONALD MOREY, SHERIFF OF McKEAN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SHEILA K. GRAHAM, DEFENDANT.

NOW DECEMBER 10, 2003 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SHEILA K. GRAHAM, DEFENDANT BY DEPUTIZING THE SHERIFF OF McKEAN COUNTY. THE RETURN OF SHERIFF MOREY IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND" MOVED TO: 18312 McCULLEN HIGHWAY, RAWLINGS, MD. 21557.

Return Costs

Cost	Description
14.60	SHERIFF HAWKINS PAID BY: ATTY CK# 315711
10.00	SURCHARGE PAID BY: ATTY Ck# 315666
32.00	McKEAN COUNTY SHERIFF PAID BY: ATTY

Sworn to Before Me This

17 Day Of Dec. 2003


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

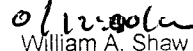
So Answers,



Chester A. Hawkins
Sheriff

FILED

DEC 17 2003


William A. Shaw

Prothonotary/Clerk of Courts

CASE NO: 2003-00067 T
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MCKEAN

CHARTER ONE MORTGAGE CORP.

VS

SHEILA K. GRAHAM

DONALD D. MOREY, Sheriff, who being duly sworn
according to law, says, that he made a diligent search and inquiry for
the within named DEFENDANT, to wit: _____
GRAHAM, SHEILA K. but was
unable to locate Her in his bailiwick. He therefore returns the
COMPLAINT IN MORTGAGE,

_____, NOT FOUND, as to
the within named DEFENDANT, GRAHAM, SHEILA K.

MOVED TO 18312 MCCULLEN HIGHWAY, RAWLINGS, MD 21557

Sheriff's Costs:
Total....\$ 32.00

So answers:

Donald D. Morey, Sheriff

Paid Date...12/10/2003
Paid By.....ATTORNEY

Sworn and subscribed to before me

this 10th day of December

A.D. 2003

Donald D. Morey
Notary

NOTARIAL SEAL
TARA L. MOREY, NOTARY PUBLIC
KEATING TWP, MCKEAN COUNTY
MY COMMISSION EXPIRES FEB. 6, 2006

RECEIPT FOR PAYMENT
=====

MCKEAN COUNTY PENNSYLVANIA
P.O. Box 395
MARVIN STREET EXT.

Receipt Date 12/10/2003
Receipt Time 15:09:34
Receipt No. 100890

CHARTER ONE MORTGAGE CORP. (VS) SHEILA K. GRAHAM

Case Number 2003-00067 T
Service Info 001 First Service 12/10/2003 Open
Remarks

Total Check... +	32.00	Check No. 315721
Total Cash.... +	.00	
Cash Out..... -	.00	
<hr/>		
Receipt total. =	32.00	

----- Distribution Of Payment -----

Transaction Description	Payment Amount
CIVIL-D.E.R.	9.00
NOT FOUND	5.00
MILEAGE	16.00
NOTARY	2.00
	<hr/>
	32.00

MCKEAN COUNTY GENERAL FUND
MCKEAN COUNTY GENERAL FUND
MCKEAN COUNTY GENERAL FUND
MOREY TARA

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

ATTORNEY FOR PLAINTIFF

CHARTER ONE MORTGAGE CORPORATION,
S/B/M TO CHARTER ONE CREDIT CORPORATION,
F/K/A EQUITY ONE CREDIT CORPORATION
10561 TELEGRAPH ROAD
GLEN ALLEN, VA 23059

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 03-1608-CD

CLEARFIELD COUNTY

v.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM
RR1 BOX 699A
A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

Defendant(s)

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

FILED

OCT 29 2003

William A. Shaw
Prothonotary/Clerk of Courts

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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 EXT. 5982

12-1-03 Document
Reinstated/Released to Sheriff Attorney
for service. *William A. Shaw*
Deputy Prothonotary

FEDERMAN AND PHELAN, LLP
By: FRANK FEDERMAN, ESQ., Id. No. 12248
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
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TERM

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NO.

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RANDY LEE GRAHAM
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COMPLAINT IN MORTGAGE FORECLOSURE

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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
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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

CHARTER ONE MORTGAGE CORPORATION,
S/B/M TO CHARTER ONE CREDIT CORPORATION,
F/K/A EQUITY ONE CREDIT CORPORATION
10561 TELEGRAPH ROAD
GLEN ALLEN, VA 23059

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

SHEILA KIM GRAHAM
RANDY LEE GRAHAM
RR1 BOX 699A
A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

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

3. On 09/09/1998 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book No. 1969, Page 330.
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 03/14/2003 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	\$57,471.62
Interest	3,500.34
02/14/2003 through 10/28/2003 (Per Diem \$13.62)	
Attorney's Fees	1,250.00
Cumulative Late Charges	446.10
09/09/1998 to 10/28/2003	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 63,218.06
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	\$ 0.00
TOTAL	\$ 63,218.06

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.
10. 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 \$ 63,218.06, together with interest from 10/28/2003 at the rate of \$13.62 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
/s/Francis S. Hallinan

FRANK FEDERMAN, ESQUIRE

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN MORRIS
TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED
AS FOLLOWS:

BEGINNING AT AN IRON RAILROAD SPIKE IN THE WESTERN RIGHT OF WAY
LINE OF LEGISLATIVE ROUTE 17000 AND SAID IRON PIN BEING LOCATED
IN THE NORTHERN PROPERTY LINE OF LAND NOW OWNED BY RODGER
GRAFFIUS; THENCE ALONG LINE OF LANDS OF RODGER GRAFFIUS NORTH
EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44) MINUTES A DISTANCE OF
ONE HUNDRED SIXTY-FOUR (164.00) FEET TO AN IRON PIN CORNER, SAID
IRON PIN BEING LOCATED IN THE LINE OF LAND NOW OR FORMERLY OWNED
BY ALMEDA WALK; THENCE ALONG LINE OF LANDS NOW OR FORMERLY OF
ALMEDA WALK NORTH TWO (2) DEGREES FIFTEEN (15) MINUTES EAST A
DISTANCE OF ONE HUNDRED (100) FEET TO AN IRON PIPE CORNER; THENCE
ESTABLISHING A NEW LINE THROUGH LANDS NOW OR FORMERLY OF ALVERTA
QUICK AND ALONG LAND TO BE CONVEYED TO NORMAN J. QUICK, SR., AND
ROSE MARIE QUICK, SOUTH EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44)
MINUTES EAST, A DISTANCE OF ONE HUNDRED SIXTY-FOUR (164) FEET TO
AN IRON PIN CORNER ON THE WESTERN RIGHT OF WAY LINE OF L.R. NO.
17060; THENCE ALONG THE WESTERN RIGHT OF WAY LINE OF L.R. NO.
17060 SOUTH TWO (2) DEGREES FIFTEEN (15) MINUTES WEST, A DISTANCE
OF ONE HUNDRED (100.00) FEET TO THE RAILROAD SPIKE AND THE PLACE
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BEING THE SAME PROPERTY CONVEYED TO RANDY LEE GRAHAM AND SHELIA
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FROM MELVIN L. GRAHAM, JR., WIDOW, RECORDED 04/21/1997 IN DEED
BOOK 1835 PAGE 207.

TAX KEY NUMBER: 124-P10-9

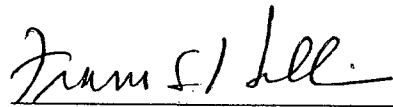
ORDER NO. 1488944

BEING KNOWN AS: RR1 BOX 699A A/K/A 767 WALLACETON ROAD

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, it is counsel's intention to substitute a verification from Plaintiff as soon as it is received by counsel.

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C. S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 

COPY

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
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(215) 563-7000

ATTORNEY FOR PLAINTIFF

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F/K/A EQUITY ONE CREDIT CORPORATION
10561 TELEGRAPH ROAD
GLEN ALLEN, VA 23059

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 03-1608-CD

CLEARFIELD COUNTY

v.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM
RR1 BOX 699A
A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

Defendant(s)

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

FILED

OCT 29 2003

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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 EXT. 5982

12-1-03 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw
Deputy Prothonotary

FEDERMAN AND PHELAN, LLP
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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

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NO.

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CLEARFIELD COUNTY

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WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 63,218.06, together with interest from 10/28/2003 at the rate of \$13.62 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
/s/Francis S. Hallinan

FRANK FEDERMAN, ESQUIRE

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

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TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED
AS FOLLOWS:

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GRAFFIUS; THENCE ALONG LINE OF LANDS OF RODGER GRAFFIUS NORTH
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17060; THENCE ALONG THE WESTERN RIGHT OF WAY LINE OF L.R. NO.
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BOOK 1835 PAGE 207.

TAX KEY NUMBER: 124-P10-9

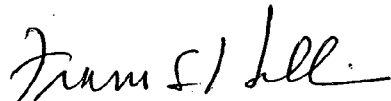
ORDER NO. 1488944

BEING KNOWN AS: RR1 BOX 699A A/K/A 767 WALLACETON ROAD

VERIFICATION

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The undersigned understands that this statement is made subject to the penalties of 18 Pa. C. S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 10/28/03

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

ATTORNEY FOR PLAINTIFF

CHARTER ONE MORTGAGE CORP., S/B/M : COURT OF COMMON PLEAS
TO CHARTER ONE :
CREDIT CORP., F/K/A EQUITY ONE : CIVIL DIVISION
CREDIT CORP. :
: CLEARFIELD County

Plaintiff

vs.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

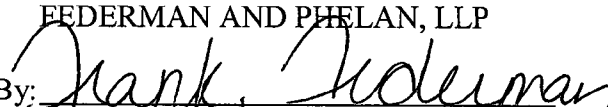
Defendants

:
: No. 03-1608-CD
:
:
:

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

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

Date: December 31, 2003

/cdc, Svc Dept.

FILED

JAN 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

Federman and Phelan, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Thomas M. Federman, Esq., Id. No. 64068
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Charter One Mortgage Corporation,
S/B/M To Charter One Credit
Corporation, F/K/A Equity One
Credit Corporation

COURT OF COMMON PLEAS

vs.

CIVIL DIVISION

Clearfield COUNTY

Sheila Kim Graham
Randy Lee Graham

NO. 03-1608-CD

ORDER

AND NOW, this 9 day of January, ~~2003~~ ²⁰⁰⁴, upon

consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby

ORDERED and **DECREED** that said Motion is **GRANTED**.

It is further **ORDERED** and **DECREED** that Plaintiff may obtain service of the
Complaint, and all future pleadings, on the above captioned Defendant(s) Sheila Kim Graham, by:

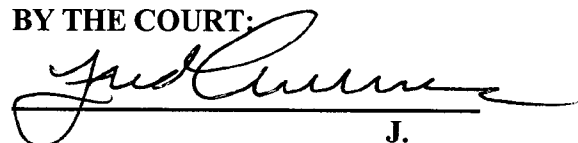
1. First class mail to Sheila Kim Graham at the last known address, 58 Gregory Avenue, Bradford, PA 16701, the mailing address of 18312 McMullen Highway, Rawlings, MD 21557, and the mortgaged premises located at RR 1 Box 699A A/K/A 767 Wallaceton Road, Morrisdale, PA 16858; and
2. Certified mail to Sheila Kim Graham at the last known address of 58 Gregory Avenue, Bradford, PA 16701, the mailing address of 18312 McMullen Highway, Rawlings, MD 21557, and the mortgaged premises located at RR 1 Box 699A A/K/A 767 Wallaceton Road, Morrisdale, PA 16858.

FILED

JAN 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


J.

Federman and Phelan, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Thomas M. Federman, Esq., Id. No. 64068
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Charter One Mortgage Corporation,
S/B/M To Charter One Credit
Corporation, F/K/A Equity One
Credit Corporation

: COURT OF COMMON PLEAS

:
: CIVIL DIVISION

vs.

: Clearfield COUNTY

Sheila Kim Graham
Randy Lee Graham

: NO. 03-1608-CD

MOTION FOR SERVICE PURSUANT TO
SPECIAL ORDER OF COURT

Plaintiff, by its counsel, Federman and Phelan, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant(s) by first class mail and certified mail to the Defendant at the last known address and mortgaged premises, located at RR 1 Box 699A A/K/A 767 Wallacetown Road, Morrisdale, PA 16858, and in support thereof avers the following:

1. Attempts to serve Defendant(s) with the Complaint have been unsuccessful. The Sheriff attempted to serve the defendant at the mortgaged premises located at RR1 Box 699A A/K/A 767 Wallacetown Road, Morrisdale, PA 16858 and 58 Gregory Avenue, Bradford, PA 16701. As indicated by the Sheriff's returns attached hereto as Exhibit "A", the defendant is unknown at these addresses and is living in Maryland. The Plaintiff then attempted to serve the defendant at her mailing address of 18312 McMullen Highway, Rawlings, MD 21557. As indicated by the Return of Service also attached hereto as Exhibit "A", the property is vacant.

FILED

JAN 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

2. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant(s). An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "B".

3. Plaintiff has reviewed its internal records and has not been contacted by defendant as of December 31, 2003 to bring loan current.

4. Plaintiff submits that it has made a good faith effort to locate the defendants, but has been unable to do so.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by first class mail and certified mail.

Respectfully submitted,
Federman and Phelan, LLP
Attorney for Plaintiff

By:  _____

Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Daniel G. Schmieg, Esquire
Thomas M. Federman, Esquire

Date: December 31, 2003

Federman and Phelan, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Thomas M. Federman, Esq., Id. No. 64068
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Charter One Mortgage Corporation, S/B/M To
Charter One Credit Corporation, F/K/A
Equity One Credit Corporation

vs.

Sheila Kim Graham
Randy Lee Graham

COURT OF COMMON PLEAS
CIVIL DIVISION
Clearfield COUNTY
NO. 03-1608-CD

MEMORANDUM OF LAW

Pa. R.C.P. 430(a) specifically provides:

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

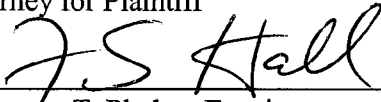
Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address." Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

An illustration of good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives neighbors, friends and employers of the Defendant and (3) examinations of local telephone directories, voter registration records, local tax records, and motor vehicle records.

As indicated by the attached Sheriff's Return of Service, attached hereto and marked as Exhibit "A", the Sheriff has been unable to serve the Complaint. A good faith effort to discover the whereabouts of the Defendant(s) has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked Exhibit "B".

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by first class mail and certified mail.

Respectfully submitted,
Federman and Phelan, LLP
Attorney for Plaintiff

By: 

Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Daniel G. Schmieg, Esquire
Thomas M. Federman, Esquire

Date: December 31, 2003

In The Court of Common Pleas of Clearfield County, Pennsylvania

• CHARTER NOE MORTGAGE CORP.

VS.

GRAHAM, SHEILA KIM & RANDY LEE

COMPLAINT IN MORTGAGE FORECLOSURE

Sheriff Docket #

14726

03-1608-CD

COP

SHERIFF RETURNS

NOW NOVEMBER 5, 2003 AT 1:52 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RANDY LEE GRAHAM, DEFENDANT AT RESIDENCE, RR#1 BOX 699A a/k/a 767 WALLACETON ROAD, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RANDY LEE GRAHAM 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 DECEMBER 16, 2003 AFTER DILIGENT SEARCH IN MY BAILWICK I RETURN THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO SHEILA KIM GRAHAM, DEFENDANT. POSSIBLY IN MARYLAND.

Return Costs

Cost	Description
37.36	SHERIFF HAWKINS PAID BY: ATTY 309111
20.00	SURCHARGE PAID BY: ATTY CK 309812

Sworn to Before Me This

____ Day Of _____ 2003

So Answers,



Chester A. Hawkins
Sheriff

In The Court of Common Pleas of Clearfield County, Pennsylvania

CHARTER NOE MORTGAGE CORP.

VS.

GRAHAM, SHEILA KIM & RANDY LEE

COMPLAINT IN MORTGAGE FORECLOSURE

Sheriff Docket # 14726

03-1608-CD

COP

SHERIFF RETURNS

NOW DECEMBER 3, 2003, DONALD MOREY, SHERIFF OF McKEAN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SHEILA K. GRAHAM, DEFENDANT.

NOW DECEMBER 10, 2003 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SHEILA K. GRAHAM, DEFENDANT BY DEPUTIZING THE SHERIFF OF McKEAN COUNTY. THE RETURN OF SHERIFF MOREY IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND" MOVED TO: 18312 McCULLEN HIGHWAY, RAWLINGS, MD. 21557.

Return Costs

Cost	Description
14.60	SHERIFF HAWKINS PAID BY: ATTY CK# 315711
10.00	SURCHARGE PAID BY: ATTY Ck# 315666
32.00	McKEAN COUNTY SHERIFF PAID BY: ATTY

Sworn to Before Me This

____ Day Of _____ 2003

So Answers,



Chester A. Hawkins
Sheriff

CASE NO: 2003-00067 T
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MCKEAN

COPY

CHARTER ONE MORTGAGE CORP.

VS

SHEILA K. GRAHAM

DONALD D. MOREY, Sheriff, who being duly sworn
according to law, says, that he made a diligent search and inquiry for
the within named DEFENDANT, to wit: _____
GRAHAM, SHEILA K. but was
unable to locate Her in his bailiwick. He therefore returns the
COMPLAINT IN MORTGAGE,

_____, NOT FOUND, as to
the within named DEFENDANT, GRAHAM, SHEILA K.

MOVED TO 18312 MCCULLEN HIGHWAY, RAWLINGS, MD 21557

Sheriff's Costs:
Total....\$ 32.00

So answers:

Donald D. Morey
Donald D. Morey, Sheriff

Paid Date...12/10/2003
Paid By.....ATTORNEY

Sworn and subscribed to before me

this 10th day of DecemberA.D. 2003

Tara L. Morey
Notary

NOTARIAL SEAL
TARA L. MOREY, NOTARY PUBLIC
KEATING TWP, MCKEAN COUNTY
MY COMMISSION EXPIRES FEB. 6, 2006

AFFIDAVIT OF SERVICE – CLEARFIELD COUNTY

PLAINTIFF **CHARTER ONE MORTGAGE CORPORATION,
S/B/M TO CHARTER ONE CREDIT
CORPORATION, F/K/A EQUITY ONE CREDIT
CORPORATION**

NO. 03-1608-CD

DEFENDANT **SHEILA KIM GRAHAM**

TYPE OF ACTION

XX Mortgage Foreclosure

XX Civil Action

SERVE AT: **18312 MCMULLEN HIGHWAY
RAWLINGS, MD 21557**

SERVED

Served and made known to _____, Defendant on the
_____ day of _____, 20____, at _____
_____ o'clock, ____ M., at _____

_____, City in the manner described below:

_____ Defendant personally served.

_____ Adult family member with whom Defendant(s) reside(s).

Relationship is _____.

_____ Adult in charge of Defendant's residence who refused to give name/relationship.

_____ Manager/Clerk of place of lodging in which Defendant(s) reside(s)

_____ Agent or person in charge of Defendant's office or usual place of business.

_____ and officer of said defendant company.

_____ Other: _____.

I, _____, a competent adult, being duly sworn according to law, depose and state that I
personally handed to _____

_____ a true and correct copy of the _____
issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed

Before me this _____ day

Of _____, 20____.

Notary: _____ By: _____

NOT SERVED

On the 24 day of 10, 2003, at 3:30pm o'clock
____ M., Defendant NOT FOUND because:

_____ Moved _____ Unknown _____ No Answer ☒ Vacant

Other: _____

Sworn to and subscribed

Before me the 24 day

Of October, 2003.

Notary: Cita McIndher

By: _____

ATTORNEY OF PLAINTIFF

FRANK FEDERMAN, ESQUIRE – I.D.#12248

Suite 1400- One Penn Center Plaza at Suburban Station

Philadelphia, PA 19103-1799

SKN Data Research Inc.
AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: **3-9102PA**

Attorney Firm: **Federman & Phelan**

Subject: **Randy Lee Graham & Sheila Kim Graham**

Current Address: **58 Gregory Ave. Bradford, PA 16701**

Property Address: **RR 1 Box 699A Morrisdale, PA 16858**

Mailing Address: **58 Gregory Ave. Bradford, PA 16701**

I Scott Nulty, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

Our search verified the following to be true and correct

Randy Lee Graham - 174-52-2049

Sheila Kim Graham - 169-60-5824

B. EMPLOYMENT SEARCH

A review of the credit reporting agencies provided no employment information.

Randy Lee Graham - not available

Sheila Kim Graham - not available

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Randy Lee Graham & Sheila Kim Graham reside(s) at: 58 Gregory Ave. Bradford, PA 16701

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

On 10-23-03 our office contacted directory assistance which indicated that Randy Lee Graham & Sheila Kim Graham reside(s) at: 58 Gregory Ave. Bradford, PA 16701. Our office made a telephone call to the mortgagors phone number and received the following information: 814-342-1254 wrong #.

III. INQUIRY OF NEIGHBORS

On 10-23-03 our office contacted or attempted to contact neighbors, they were not able to verify that Randy Lee Graham & Sheila Kim Graham reside(s) at: 58 Gregory Ave. Bradford, PA 16701

IV. INQUIRY OF POST OFFICE

A. NATIONAL ADDRESS UPDATE

On 10-23-03 we reviewed the National Address database and found the following information, Randy Lee Graham & Sheila Kim Graham - 58 Gregory Ave. Bradford, PA 16701

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors , the following is a possible mailing address: no addresses on file

V. MOTOR VEHICLE REGISTRATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Randy Lee Graham & Sheila Kim Graham.

VI. OTHER INQUIRIES DEATH RECORDS

A. As of 10-23-03 Vital Records and all public databases have no death record on file for Randy Lee Graham & Sheila Kim Graham.

B. COUNTY VOTER REGISTRATION

The Clearfield County Voter registration has a registration for Randy Lee Graham & Sheila Kim Graham residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Randy Lee Graham -YOB 1966 Sheila Kim Graham -YOB 1963

B. A.K.A.

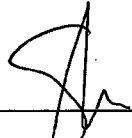
none

***All accessible public databases have been checked and cross-referenced for the above named individual(s).**

*** Please be advised all database information indicates the subjects reside at the current address.**

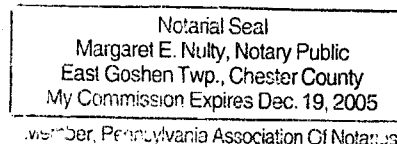
The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


AFFIANT Scott K. Nulty
SKN Data Research Inc. President

Sworn to and subscribed before me this 23rd day of October 2003


NOTARY PUBLIC



The above information is obtained from available public records
and we are only liable for the cost of the affidavit

VERIFICATION

Francis S. Hallinan, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT are true and correct to the best of his knowledge, information and belief.

The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Respectfully submitted,
Federman and Phelan, LLP
Attorney for Plaintiff

By: FS Hall

Francis S. Hallinan, Esquire

Date: December 31, 2003

Federman and Phelan, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Thomas M. Federman, Esq., Id. No. 64068
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Charter One Mortgage
Corporation, S/B/M To Charter
One Credit Corporation, F/K/A
Equity One Credit Corporation

COURT OF COMMON PLEAS

CIVIL DIVISION

Vs.

Clearfield COUNTY

Sheila Kim Graham
Randy Lee Graham

NO. 03-1608-CD

CERTIFICATION OF SERVICE

I, Francis S. Hallinan, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court has been sent to the individual(s) as indicated below by first class mail, postage prepaid, on the date listed below.

Sheila Kim Graham at:
RR 1 Box 699A A/K/A 767 Wallacetown Road
Morrisdale, PA 16858

18312 McMullen Highway
Rawlings, MD 21557

58 Gregory Avenue
Bradford, PA 16701

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: December 31, 2003

Respectfully submitted,
Federman and Phelan, LLP
Attorney for Plaintiff

By: FS Hall
Francis S. Hallinan, Esquire

FILED

JAN 07 2004

Prothonotary/Clerk of Courts

William A. Shaw

JAN 07 2004

FILED

011-3364
cc
W.A.

FEDERMAN AND PHELAN

BY: FRANK FEDERMAN, ESQUIRE

Attorney for Plaintiff

Identification No. 12248

1617 John F. Kennedy Boulevard Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A
EQUITY ONE CREDIT CORPORATION

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Plaintiff

: CLEARFIELD COUNTY

vs.

SHEILA KIM GRAHAM

: NO. 03-1608-CD

RANDY LEE GRAHAM

Defendant(s)

**AFFIDAVIT OF SERVICE OF COMPLAINT
BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt requested, to the following persons, **SHEILA KIM GRAHAM at RR1 BOX 699 A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858** on January 22, 2004, in accordance with the Order of Court dated January 9, 2004. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: January 22, 2004


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

FILED

JAN 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A
EQUITY ONE CREDIT CORPORATION
10561 TELEGRAPH ROAD
GLEN ALLEN, VA 23059

No.: 03-1608-CD

vs.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM
RR1 BOX 699A A/K/A 767 WALLACETON
ROAD
MORRISDALE, PA 16858-9709

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

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against SHEILA KIM GRAHAM and RANDY LEE GRAHAM, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in Complaint	\$63,218.06
Interest (10/29/03 to 3/8/04)	<u>1,797.84</u>
TOTAL	\$65,015.90

I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) that notice has been given in accordance with Rule 237.1, copy attached.


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 3/10/04


PRO PROTHY

SZB

FILED

MAR 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A
EQUITY ONE CREDIT CORPORATION

No.: 03-1608-CD

Plaintiff

vs.


SHEILA KIM GRAHAM
RANDY LEE GRAHAM

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on March 10, 2004.

By: Willi L. Khan ^{BO} DEPUTY

If you have any questions concerning this matter please contact:


FRANK FEDERMAN, ESQUIRE
Attorney or Party Filing
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

**THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE
PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS IS NOT AND SHOULD
NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY
ENFORCEMENT OF A LIEN AGAINST PROPERTY.**

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

ATTORNEY FOR PLAINTIFF

CHARTER ONE MORTGAGE CORPORATION, : COURT OF COMMON PLEAS
S/B/M TO CHARTER ONE CREDIT CORPORATION,
FK/A EQUITY ONE CREDIT CORPORATION : CIVIL DIVISION
Plaintiff

Vs.

: CLEARFIELD COUNTY

: NO. 03-1608-CD

SHEILA KIMGRAHAM
RANDY LEE GRAHAM
Defendants

FILE COPY

TO: RANDY LEE GRAHAM
RR1 BOX 699A A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

DATE OF NOTICE: FEBRUARY 12, 2004

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN 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.

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

FRANK FEDERMAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

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

ATTORNEY FOR PLAINTIFF

CHARTER ONE MORTGAGE CORPORATION, : COURT OF COMMON PLEAS
S/B/M TO CHARTER ONE CREDIT CORPORATION,
FK/A EQUITY ONE CREDIT CORPORATION : CIVIL DIVISION
Plaintiff

Vs.

: CLEARFIELD COUNTY

: NO. 03-1608-CD

SHEILA KIMGRAHAM
RANDY LEE GRAHAM
Defendants

TO: SHEILA KIMGRAHAM
RR1 BOX 699A A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

FILE COPY

DATE OF NOTICE: FEBRUARY 12, 2004

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN 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.

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

FRANK FEDERMAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

FEDERMAN AND PHELAN, LLP

By: FRANK FEDERMAN, ESQUIRE

IDENTIFICATION NO. 12248

ONE PENN CENTER AT SUBURBAN STATION

1617 JOHN F. KENNEDY BLVD., SUITE 1400

PHILADELPHIA, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

CHARTER ONE MORTGAGE

CORPORATION, S/B/M TO CHARTER

ONE CREDIT CORPORATION, F/K/A

EQUITY ONE CREDIT CORPORATION

CLEARFIELD COUNTY

No.: 03-1608-CD

vs.

SHEILA KIM GRAHAM

RANDY LEE GRAHAM

VERIFICATION OF NON-MILITARY SERVICE

FRANK FEDERMAN, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant, SHEILA KIM GRAHAM, is over 18 years of age, and resides at RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858-9709.

(c) that defendant, RANDY LEE GRAHAM, is over 18 years of age, and resides at RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858-9709.

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



FRANK FEDERMAN, ESQUIRE

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

COPY

Charter One Mortgage Corporation
Plaintiff(s)

No.: 2003-01608-CD

Real Debt: \$65,015.90

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Sheila Kim Graham
Randy Lee Graham
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 10, 2004

Expires: March 10, 2009

Certified from the record this 10th day of March, 2004.

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

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

**CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER ONE
CREDIT CORPORATION, F/K/A EQUITY ONE
CREDIT CORPORATION**

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

NO.: 03-1608-CD

vs.

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

**SHEILA KIM GRAHAM
RANDY LEE GRAHAM**

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

**To satisfy the judgment, interest and costs in the above matter you are directed to levy
upon and sell the following described property (specifically described property below):**

**Premises: RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA
16858-9709**

(See legal description attached.)

Amount Due

\$65,015.90

Interest from 3/8/04 to
Date of Sale (\$10.69 per diem)

\$ _____

Total

\$ _____ Plus costs as endorsed.
139.00 Prothonotary Costs

Dated 3/10/04
(SEAL)

**Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania**

By:

Deputy

SZB

No. 03-1608-CD

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

CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A EQUITY ONE CREDIT
CORPORATION

vs.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt \$65,015.90

Int. from 3/8/04
to Date of Sale (\$10.69 per diem) _____

Costs _____

Prothy. Pd. 139.00

Sheriff _____



Attorney for Plaintiff

Address: RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA

16858-9709

RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA

16858-9709

Where papers may be served.

Frank Federman, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

SCHEDULE "A"

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON RAILROAD SPIKE IN THE WESTERN RIGHT OF WAY LINE OF LEGISLATIVE ROUTE 17060 AND SAID IRON PIN BEING LOCATED IN THE NORTHERN PROPERTY LINE OF LAND NOW OWNED BY RODGER GRAFFIUS; THENCE ALONG LINE OF LANDS OF RODGER GRAFFIUS NORTH EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44) MINUTES A DISTANCE OF ONE HUNDRED SIXTY-FOUR (164.00) FEET TO AN IRON PIN CORNER, SAID IRON PIN BEING LOCATED IN THE LINE OF LAND NOW OR FORMERLY OWNED BY ALMEDA WALK; THENCE ALONG LINE OF LANDS NOW OR FORMERLY OF ALMEDA WALK NORTH TWO (2) DEGREES FIFTEEN (15) MINUTES EAST A DISTANCE OF ONE HUNDRED (100) FEET TO AN IRON PIPE CORNER; THENCE ESTABLISHING A NEW LINE THROUGH LANDS NOW OR FORMERLY OF ALVERTA QUICK AND ALONG LAND TO BE CONVEYED TO NORMAN J. QUICK, SR., AND ROSE MARIE QUICK, SOUTH EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44) MINUTES EAST, A DISTANCE OF ONE HUNDRED SIXTY-FOUR (164) FEET TO AN IRON PIN CORNER ON THE WESTERN RIGHT OF WAY LINE OF L.R. NO. 17060; THENCE ALONG THE WESTERN RIGHT OF WAY LINE OF L.R. NO. 17060 SOUTH TWO (2) DEGREES FIFTEEN (15) MINUTES WEST, A DISTANCE OF ONE HUNDRED (100.00) FEET TO THE RAILROAD SPIKE AND THE PLACE OF BEGINNING. CONTAINING 0.376 ACRES.

BEING THE SAME PROPERTY CONVEYED TO RANDY LEE GRAHAM AND SHELIA KIM GRAHAM, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETIES BY DEED FROM MELVIN L. GRAHAM, JR., WIDOW, RECORDED 04/21/1997 IN DEED BOOK 1835 PAGE 207.

TAX KEY NUMBER: 124-P10-9

ORDER NO. 1488944

CLEARFIELD COUNTY

CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A
EQUITY ONE CREDIT CORPORATION

No.: 03-1608-CD

vs.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

**AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)**

CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER ONE CREDIT CORPORATION, F/K/A EQUITY ONE CREDIT CORPORATION, Plaintiff in the above action, by its attorney, Frank Federman, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858-9709:

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

Name

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

SHEILA KIM GRAHAM

RR1 BOX 699A A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

RANDY LEE GRAHAM

RR1 BOX 699A A/K/A 767 WALLACETON ROAD
MORRISDALE, PA 16858-9709

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

SAME AS ABOVE

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

March 5, 2004

CLEARFIELD COUNTY

CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A
EQUITY ONE CREDIT CORPORATION

No.: 03-1608-CD

vs.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER ONE CREDIT CORPORATION, F/K/A EQUITY ONE CREDIT CORPORATION, Plaintiff in the above action, by its attorney, Frank Federman, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858-9709:

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

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
CLEARFIELD BANK AND TRUST COMPANY	P.O. BOX 10561 TELEGRAPH ROAD GLEN ALLEN, VA 23059

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

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
AVCO FINANCIAL SERVICES CONSUMER DISCOUNT COMPANY ONE	269 NORTHLAND CENTER, #101C STATE COLLEGE, PA 16801

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

Name

Last Known Address (if address cannot be
reasonable ascertained, please indicate)

None.

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale.

Name

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

Clearfield County Domestic Relations

Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Name

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

Commonwealth of Pennsylvania
Department of Welfare

PO Box 2675
Harrisburg, PA 17105

Tenant/Occupant
ROAD

RR1 BOX 699A A/K/A 767 WALLACETON
MORRISDALE, PA 16858-9709

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

March 5, 2004

FEDERMAN AND PHELAN, LLP
By: FRANK FEDERMAN, ESQUIRE
ONE PENN CENTER AT
SUBURBAN STATION
1617 JOHN F. KENNEDY BOULEVARD
SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF
COURT OF COMMON PLEAS
CIVIL DIVISION

CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A
EQUITY ONE CREDIT CORPORATION

No.: 03-1608-CD

CLEARFIELD COUNTY

vs.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

CERTIFICATION

FRANK FEDERMAN, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- ☐ an FHA Mortgage
- ☐ non-owner occupied
- ☐ vacant
- ☒ Act 91 procedures have been fulfilled

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



FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

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

**CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER ONE
CREDIT CORPORATION, F/K/A EQUITY ONE
CREDIT CORPORATION**

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

No. 03-1608-CD

vs.

**PRAECIPE FOR WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

**SHEILA KIM GRAHAM
RANDY LEE GRAHAM**

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

Amount Due

\$65,015.90

Interest from 3/8/04 to
Date of Sale (\$10.69 per diem)

and Costs.

189.00 Prothonotary costs

Frank Federman, Esquire
Attorney for Plaintiff
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814

Note: Please attach description of Property.

SZB

FILED

MAR 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

No. 03-1608-CD

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

**CHARTER ONE MORTGAGE CORPORATION,
S/B/M TO CHARTER ONE CREDIT
CORPORATION, F/K/A EQUITY ONE CREDIT
CORPORATION**

vs.

**SHEILA KIM GRAHAM
RANDY LEE GRAHAM**

**PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)**



Attorney for Plaintiff(s)

Address: RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858-9709

RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858-9709

Where papers may be served.

Prothonotary/Clerk of Courts

William A. Shaw

MAR 10 2004

FILED

M/11:00 AM

Any pd 20.00

1 cc to Shaf and

kept 1 cc with w/ prop. descr. attached

FEDERMAN AND PHELAN, LLP.
by: Daniel G. Schmieg, Esquire
Atty. I.D. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102-1799
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Charter One Mortgage Corporation,
S/B/M to Charter One Credit Corporation,
F/K/A Equity One Credit Corporation

vs.

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

Sheila Kim Graham
Randy Lee Graham

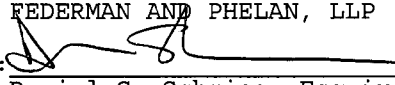
: NO. 03-1608-CD

PRAECIPE FOR RULE TO SHOW CAUSE

TO THE PROTHONOTARY:

Kindly enter a Rule upon Sheila Kim Graham Randy Lee Graham, Defendant(s)
to show cause why the attached Order for Reassessment of Damages should not be
entered.

FEDERMAN AND PHELAN, LLP

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

FILED

JUN 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP.
by: Daniel G. Schmieg, Esquire
Atty. I.D. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102-1799
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Charter One Mortgage Corporation,
S/B/M to Charter One Credit Corporation,
F/K/A Equity One Credit Corporation

vs.

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

Sheila Kim Graham
Randy Lee Graham

: NO. 03-1608-CD

ORDER

AND NOW, this day of , 2004, the
Prothonotary is ORDERED to reassess the damages in this case as follows:

Principal Balance	57,471.62
Interest Amount	5,885.92
April 14, 2003 through August 6, 2004	
Per Diem \$13.62	
Late Charges	446.10
Legal fees	1,250.00
Cost of Suit and Title	2,432.50
Sheriff's Sale Costs	0.00
Property Inspections	0.00
MIP/PMI	0.00
NSF Fees	0.00
Suspense/Misc. Credits	(0.00)
Appraisal/BPO	240.00
Escrow	
Credit	0.00
Deficit	<u>2,292.43</u>
TOTAL	\$70,018.57

Plus interest per diem from August 6, 2004 through Date of Sale at six (6%) percent.

NOTE: THE ABOVE FIGURE IS NOT A PAY OFF - SHERIFF'S SALE COSTS
AND COMMISSION ARE NOT INCLUDED IN THE ABOVE FIGURES.

BY THE COURT:

J.

FEDERMAN AND PHELAN, LLP.
by: Daniel G. Schmieg, Esquire
Atty. I.D. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102-1799
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Charter One Mortgage Corporation,
S/B/M to Charter One Credit Corporation,
F/K/A Equity One Credit Corporation

vs.

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

Sheila Kim Graham
Randy Lee Graham


: NO. 03-1608-CD

AFFIDAVIT OF SERVICE

Daniel G. Schmieg, Esquire, hereby certifies that a copy of Plaintiff's
Petition for Reassessment of Damages have been sent to the individuals
indicated below on June 17, 2004.

Sheila Kim Graham
Randy Lee Graham
RR1 Box 699A A/K/A 767 Wallaceton Road
Morrisdale, PA 16858-9709

DATE: June 17, 2004

FEDERMAN AND PHELAN, LLP
By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

FEDERMAN AND PHELAN, LLP.
by: Daniel G. Schmieg, Esquire
Atty. I.D. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102-1799
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Charter One Mortgage Corporation,
S/B/M to Charter One Credit Corporation,
F/K/A Equity One Credit Corporation

vs.

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

Sheila Kim Graham
Randy Lee Graham

: NO. 03-1608-CD

PLAINTIFF'S PETITION FOR REASSESSMENT OF DAMAGES

Plaintiff, by its Attorney, Daniel G. Schmieg, Esquire, moves the Court to direct the Prothonotary to reassess the damages in this matter, and in support thereof avers the following:


1. Complaint in Mortgage Foreclosure was filed on October 29, 2003.
2. Judgment was entered against Defendant(s) on March 10, 2004 in the amount of \$65,015.90.
3. The mortgaged premises are listed for Sheriff's Sale on August 6, 2004.
4. Additional sums have been incurred or expended on Defendant(s)' behalf since the Complaint was filed and Defendant(s) have been given credit for any payments that have been made since the judgment, if any.

The amount of damages should now read as follows:

Principal Balance	57,471.62
Interest Amount	5,885.92
April 14, 2003 through August 6, 2004	
Per Diem \$13.62	
Late Charges	446.10
Legal fees	1,250.00
Cost of Suit and Title	2,432.50
Sheriff's Sale Costs	0.00
Property Inspections	0.00
MIP/PMI	0.00
NSF Fees	0.00
Suspense/Misc. Credits	(0.00)
Appraisal/BPO	240.00
Escrow	
Credit	0.00
Deficit	2,292.43
TOTAL	\$70,018.57

5. Under the terms of the mortgage, which mortgage is recorded in the Office of the Recorder of Deeds in Mortgage Book No. (#1969) & Page(#330), Plaintiff is entitled to judgment in the amount as set forth in paragraph four herein the amount of judgment against the Defendant(s).

WHEREFORE, Plaintiff respectfully requests this Honorable Court issue an Order to the Prothonotary to reassess the damages as set forth above.

FEDERMAN AND PHELAN, LLP
By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

FEDERMAN AND PHELAN, LLP.
by: Daniel G. Schmieg, Esquire
Atty. I.D. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102-1799
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Charter One Mortgage Corporation,
S/B/M to Charter One Credit Corporation,
F/K/A Equity One Credit Corporation

vs.

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

Sheila Kim Graham
Randy Lee Graham

: NO. 03-1608-CD

**BRIEF OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION TO REASSESS DAMAGES**

I. BACKGROUND OF CASE

Plaintiff and Defendant(s) entered into a Promissory Note and Mortgage Agreement, wherein Defendant(s) agreed to pay Plaintiff principal, interest, late charges, real estate taxes, hazard insurance premiums and mortgage insurance premiums as said monies became due. In turn, Plaintiff's Note was secured by a mortgage on the subject premises. The Mortgage Agreement indicates that in the event Defendant(s) defaults, Plaintiff may pay any necessary obligations in order to protect its collateral, the subject premises.

In the case sub judicia, Defendant(s) failed to abide by the Mortgage Agreement by failing to tender numerous, promised monthly mortgage payments. Accordingly, after Plaintiff determined that Defendant(s) were not going to cure the default and bring the loan current, Plaintiff commenced a Mortgage Foreclosure Action.

Judgment was subsequently entered by the Court, and the subject property is scheduled for Sheriff's Sale.

Because of the excessive period of time between the initiation of the Mortgage Foreclosure Action, the entry of Judgment and the Sheriff's Sale date, damages as previously assessed by the Court are outdated and must be increased to include current interest, real estate taxes, insurance premiums, and other expenses which Plaintiff has been obligated to pay under the Mortgage Agreement in order to protect its interest.

II. ARGUMENT FOR REASSESSMENT OF DAMAGES

The Pennsylvania Rules of Civil Procedure are silent with respect to the issue of Reassessment of Damages; however, Rule 1037 provides, "the Prothonotary shall assess damages for the amount which Plaintiff is entitled if it is a sum certain or which can be made certain by computation..." In the

instant case, the amount to which Plaintiff is entitled is readily calculated by review of the Mortgage Agreement, which is of record, together with the Complaint which specifically lists the items chargeable.

Clearly, if Rule 1037 gives the Prothonotary the right to assess damages for the amount to which Plaintiff is entitled as set forth in the Complaint, the Court has similar power to reassess damages at a later date.

In addition, Rule 1037(a) provides that the Court, on motion of a party, may enter an appropriate judgment against a party upon default or admission. If the Court has the power to enter judgment, it certainly has the power to do a lesser act, to wit, reassess damages.

It is settled law in Pennsylvania that the Court may exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. 20 P.L.E., Judgments Sec. 191. See also, Stephenson v. Butts, 187 Pa.Super 55, 59, 142 A.2d 319, 321 (1958); Chase Home Mortgage Corporation of the Southwest v. Good, 537 A.2d 22, 24 (Pa.Super 1988).

In Chase Home Mortgage, the Court stated that where a judgment has been assessed following defendant's failure to file a responsive pleading in a mortgage foreclosure action, a mortgagee "...could properly move the court to amend the judgment to add additional sums due by virtue of the mortgage's failure to comply with the terms of the mortgage agreement..." Id. at 24. Because a judgment in mortgage foreclosure is strictly in rem, it is critical that the judgment reflect those amounts expended by the Plaintiff in protecting the property. See Meco Reality Company v. Burns, 414 Pa. 495, 200 A.2d 335 (1971).

Plaintiff submits that if Plaintiff went to sale without reassessing damages, and if there was competitive bidding for the subject premises, Plaintiff would suffer irreparable harm in that it would not be able to recoup monies it paid to protect its interest. Conversely, a reassessment of damages will not be detrimental whatsoever to Defendant(s) as it imputes no personal liability.

The Supreme Court of Pennsylvania found in the Landau v. Western Pa. Nat. Bank case that the debt owed on a mortgage

changes and can be expected to change from day to day, because Western Pennsylvania must pay expenses for the property in order to protect its collateral. 445 Pa. 117, 282 A.2d 335 (1971). Because a mortgage lien is not extinguished until the debt is paid, Plaintiff must protect its collateral up until the date of sale. See Beckman v. Altoona Trust Co., 332 Pa. 545, 2 A.2d 826 (1939).

Therefore, Plaintiff respectfully submits that if the enforcement of its rights are delayed by legal proceedings and enforcement of its judgment, and such delays require the mortgagee to expend additional sums pursuant to the Mortgage, then said expenses become part of the mortgagee's lien and should be included in said judgment. As the Court indicated in FNMA v. Jefferson, an unreported case a copy of which is attached hereto, since the charges enumerated in Plaintiff's Motion for Reassessment of Damages were incurred pursuant to the Mortgage Agreement, and the mortgage had not yet been paid, said charges should be included in Plaintiff's judgment amount. May Term, 1986, No. 2359 (CCP PHILA. 1986).

III. CONCLUSION

Plaintiff respectfully requests this Honorable Court grant its Petition to Reassess Damages. Plaintiff respectfully submits that it has acted in good faith in maintaining the property in accordance with the Mortgage, and in reliance on said instrument with the understanding that it would recover the monies it expended to protect its collateral.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to reassess the damages as set forth in the Petition to Reassess Damages.

FEDERMAN AND PHELAN, LLP

By 

Daniel G. Schmieg, Esquire
Attorney For Plaintiff

12-2315

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

vs.

JOSEPH JEFFERSON and
ROSIE JEFFERSON, His Wife

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

MAY TERM, 1986
NO. 2359

ORDER AND OPINION

WITNESSETH

AND NOW, this 4 day of FEB, 1986,
upon consideration of Plaintiff, Federal National Mortgage
Association's Petition for Reconsideration Nunc Pro Tunc of
this Court's Order of November 7, 1985 and the Answer thereto
of Defendants, Joseph Jefferson and Rosie Jefferson, it is
hereby ORDERED and DECREED as follows:

- 1) Said Petition is GRANTED;
- 2) This Court's Order of November 7, 1985 is
REVERSED and Plaintiff's Motion for Reassessment of Damages is
GRANTED;
- 3) Judgment is hereby increased to \$6,147.71.

Because Plaintiff was required to accept current
mortgage payments upon the filing of Defendants' bankruptcy
petition and in fact did so, it is necessary to reassess
the amount of damages that initially were assessed after
judgment by default was entered in this action. Because
Defendants have not refuted the specific amounts claimed

by Plaintiff in the instant Motion for Reassessment, this Court finds that Defendants have admitted these amounts pursuant to Va. R.C.P. 1029(c).

BY THE COURT:


THOMAS A. WHITE, J.

VERIFICATION

Daniel G. Schmieg, Esquire, hereby states that he is the attorney for Plaintiff in this action, that he is authorized to take this affidavit, and that the statements made in the foregoing Petition for Reassessment of Damages are true and correct to the best of his knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: June 17, 2004

FEDERMAN AND PHELAN, LLP

By: 

Daniel G. Schmieg, Esquire
Attorney For Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FILED

JUN 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

CHARTER ONE MORTGAGE CORPORATION,
S/B/M to Charter One Credit Corporation,
F/K/A Equity One Credit Corporation

vs.

No. 03-1608-CD

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

NOW, this 21 day of June, 2004, upon consideration of the Plaintiff's

Petition for Reassessment of Damages, a Rule is hereby issued upon the Defendants to Show

Cause why the Petition should not be granted. Rule Returnable the 13 day of

July, 2004, for filing written response.

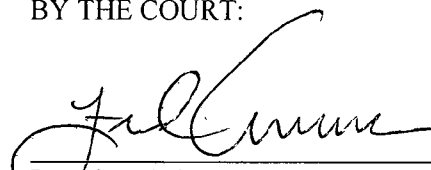
NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION OR MOTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641, Ext. 1300 or 1301

BY THE COURT:


President Judge

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15434

CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER ONE CR 03-1608-CD

VS.

GRAHAM, RANDY LEE

WRIT OF EXECUTION REAL ESTATE

SHERIFF RETURNS

NOW, APRIL 29, 2004 A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANTS
THE PROPERTY WAS ALSO POSTED THIS DATE AND TIME.

A SALE DATE OF JUNE 4, 2004 WAS SET.

FILED
DEC 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

NOW, MAY 7, 2004 RANDY LEE GRAHAM WAS PERSONALLY SERVED BY THE
ATTORNEY OFFICE BY PERSONAL PROCESS SERVER.

NOW, APRIL 30, 2004 SERVED SHEILA KIM GRAHAM BY CERTIFIED AND REGUALR
MAIL TO THREE DIFFERENT ADDRESS AS PER COURT ORDER.

RR #1, BOX 699A A/K/A WALLACETON ROAD, MORRISDALE PA 16858 CERT #70033
110000193809858 - 18312 MCMULLEN HIGHWAY, RAWLINGS, MD 21557 CERT #700
33110000193809841 - 58 GREGORY AVENUE, BRADFORD, PA 16701 CERT#7003311
0000193806048

JUNE 3, 2004 RECEIVED LETTER FROM PLAINTIFF'S ATTORNEY TO CONTINUE
THE SHERIFF'S SALE TO AUGUST 6, 2004.

NOW, JULY 26, 2004 SERVED RANDY LEE GRAHAM AT RR 1, BOX 699A A/K/A
767 WALLACETON ROAD, MORRISDALE, PA 16858 BY CERTIFIED MAIL AND
REGUALR MAIL SIGNED FOR BY RANDY L. GRAHAM, WITH A TRUE AND ATTESTED
COPY OF THE ORIGINAL WRIT, NOTICE OF SALE AND COPY OF THE LEVY.
CERTIFIED #70033110000193809902

NOW, AUGUST 6, 2004 A SALE WAS HELD ON THE PROPERTY OF THE DEFENDANTS.
THE PROPERTY WAS PURCHASED BY THE PLAINTIFF FOR \$1.00 + COSTS.

NOW, DECEMBER 9, 2004 PAID COSTS FROM THE ADVANCE AND MADE A REFUND OF
THE UNUSED ADVANCE TO THE ATTORNEY.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket #

15434

CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER ONE CR 03-1608-CD

VS.

GRAHAM, RANDY LEE

WRIT OF EXECUTION

REAL ESTATE

SHERIFF RETURNS

NOW, DECEMBER 10, 2004 RETURN WRIT AS A SALE BEING HELD ON THE
PROPERTY OF THE DEFENDANTS.

NOW, DECEMBER 10, 2004 A DEED WAS FILED.

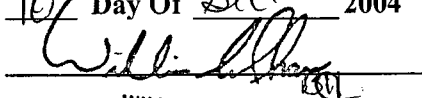
SHERIFF HAWKINS \$241.19

SURCHARGE 40.00

PAID BY ATTORNEY

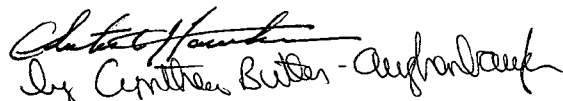
Sworn to Before Me This

10th Day Of Dec. 2004



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

So Answers,


By Cynthia Butler - Audronaugh

Chester A. Hawkins

Sheriff

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

CHARTER ONE MORTGAGE
CORPORATION, S/B/M TO CHARTER ONE
CREDIT CORPORATION, F/K/A EQUITY ONE
CREDIT CORPORATION

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 03-1608-CD

vs.

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (specifically described property below):

Premises: **RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA 16858-9709**

(See legal description attached.)

Amount Due

\$65,015.90

Interest from 3/8/04 to
Date of Sale (\$10.69 per diem)

\$ _____

Total

\$ _____ Plus costs as endorsed.

139.00 Prothonotary costs

Willi L. Shanon

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated 3/10/04
(SEAL)

By:

Deputy

SZB

Received March 11, 2004 @ 3:30 P.M.
Chester A. Hawkins
By Cynthia Butler-Aughenbaugh

No. 03-1608-CD

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

CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A EQUITY ONE CREDIT
CORPORATION

vs.

SHEILA KIM GRAHAM
RANDY LEE GRAHAM

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt	<u>\$65,015.90</u>
Int. from 3/8/04 to Date of Sale (\$10.69 per diem)	_____
Costs	_____
Prothy. Pd.	<u>139.00</u>
Sheriff	_____



Attorney for Plaintiff

Address: RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA

16858-9709

RR1 BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA

16858-9709

Where papers may be served.

Frank Federman, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

SCHEDULE "A"

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON RAILROAD SPIKE IN THE WESTERN RIGHT OF WAY LINE OF LEGISLATIVE ROUTE 17060 AND SAID IRON PIN BEING LOCATED IN THE NORTHERN PROPERTY LINE OF LAND NOW OWNED BY RODGER GRAFFIUS; THENCE ALONG LINE OF LANDS OF RODGER GRAFFIUS NORTH EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44) MINUTES A DISTANCE OF ONE HUNDRED SIXTY-FOUR (164.00) FEET TO AN IRON PIN CORNER, SAID IRON PIN BEING LOCATED IN THE LINE OF LAND NOW OR FORMERLY OWNED BY ALMEDA WALK; THENCE ALONG LINE OF LANDS NOW OR FORMERLY OF ALMEDA WALK NORTH TWO (2) DEGREES FIFTEEN (15) MINUTES EAST A DISTANCE OF ONE HUNDRED (100) FEET TO AN IRON PIPE CORNER; THENCE ESTABLISHING A NEW LINE THROUGH LANDS NOW OR FORMERLY OF ALVERTA QUICK AND ALONG LAND TO BE CONVEYED TO NORMAN J. QUICK, SR., AND ROSE MARIE QUICK, SOUTH EIGHTY-SEVEN (87) DEGREES FORTY-FOUR (44) MINUTES EAST, A DISTANCE OF ONE HUNDRED SIXTY-FOUR (164) FEET TO AN IRON PIN CORNER ON THE WESTERN RIGHT OF WAY LINE OF L.R. NO. 17060; THENCE ALONG THE WESTERN RIGHT OF WAY LINE OF L.R. NO. 17060 SOUTH TWO (2) DEGREES FIFTEEN (15) MINUTES WEST, A DISTANCE OF ONE HUNDRED (100.00) FEET TO THE RAILROAD SPIKE AND THE PLACE OF BEGINNING. CONTAINING 0.376 ACRES.

BEING THE SAME PROPERTY CONVEYED TO RANDY LEE GRAHAM AND SHELIA KIM GRAHAM, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETIES BY DEED FROM MELVIN L. GRAHAM, JR., WIDOW, RECORDED 04/21/1997 IN DEED BOOK 1835 PAGE 207.

TAX KEY NUMBER: 124-P10-9

ORDER NO. 1488944

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME RANDY LEE GRAHAM

NO. 03-1608-CD

NOW, December 09, 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 August 06, 2004, I exposed the within described real estate of Randy Lee Graham And Sheila Kim Graham to public venue or outcry at which time and place I sold the same to CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER ONE CREDIT CORPORATION, F/K/A he/she being the highest bidder, for the sum of \$1.00 and made the following appropriations, viz:

SHERIFF COSTS:

RDR	
SERVICE	15.00
MILEAGE	15.00
LEVY	
MILEAGE	15.00
POSTING	9.75
CSDS	15.00
COMMISSION	10.00
POSTAGE	0.00
HANDBILLS	25.44
DISTRIBUTION	15.00
ADVERTISING	25.00
ADD'L SERVICE	15.00
DEED	15.00
ADD'L POSTING	30.00
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	15.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$241.19

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.50
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$29.50

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	65,015.90
INTEREST @ 10.6900	1,614.19
FROM 03/08/2004 TO 08/06/2004	

PROTH SATISFACTION
LATE CHARGES AND FEES
COST OF SUIT-TO BE ADDED
FORECLOSURE FEES
ATTORNEY COMMISSION
REFUND OF ADVANCE
REFUND OF SURCHARGE
SATISFACTION FEE
ESCROW DEFICIENCY
PROPERTY INSPECTIONS
INTEREST
MISCELLANEOUS

TOTAL DEBT AND INTEREST	\$66,630.09
--------------------------------	--------------------

COSTS:

ADVERTISING	388.08
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.50
SHERIFF COSTS	241.19
LEGAL JOURNAL COSTS	180.00
PROTHONOTARY	139.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	

TOTAL COSTS	\$1,122.77
--------------------	-------------------

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

CHESTER A. HAWKINS, Sheriff

Law Offices
FEDERMAN AND PHELAN, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814

Sandra Cooper
Judgment Department, Ext. 1258

Representing Lenders in
Pennsylvania and New Jersey

June 3, 2004

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

ATTENTION: CINDY (814) 765-5915

Re: CHARTER ONE MORTGAGE CORPORATION, S/B/M TO CHARTER
ONE CREDIT CORPORATION, F/K/A EQUITY ONE CREDIT CORPORATION v.
SHEILA KIM GRAHAM RANDY LEE GRAHAM
No. 03-1608-CD
RRI BOX 699A A/K/A 767 WALLACETON ROAD, MORRISDALE, PA
16858-9709

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property which is
scheduled for June 4, 2004.

The property is to be relisted for the August 6, 2004 Sheriff's Sale.

Very truly yours,

SMC

Sandra Cooper

VIA TELECOPY (814) 765-5915

CC: SHEILA KIM GRAHAM RRI BOX 699A A/K/A 767 WALLACETON ROAD MORRISDALE, PA 16858- 9709	RANDY LEE GRAHAM RRI BOX 699A A/K/A 767 WALLACETON ROAD MORRISDALE, PA 16858- 9709
---	--

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sheila Kim Graham
18312 McMullen Highway
Rawlings, MD 21557

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

7003 3110 0001 9380 9841

102585-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. 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

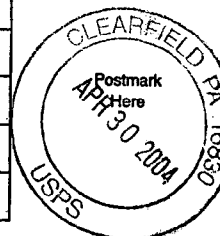
LINE OF THE RETURN ADDRESS TO OLD SERVICE CERTIFIED MAIL

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

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

OFFICIAL USE

Postage	\$ 1.60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To **Sheila Kim Graham**
Street, Apt. No., P.O. Box, or PO Box No. **18312 McMullen Highway**
City, State, ZIP+4 **Rawlings, MD 21557**

1486 0866 1000 0176 0002

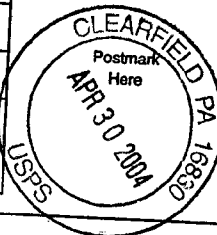
8409 0866 1000 017E 0002

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

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

OFFICIAL USE

Postage	\$ 4.60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.68



Sent To
Sheila Kim Graham
Street, Apt. No.,
or PO Box No. 58 Gregory Avenue
City, State, ZIP+4 Bradford, PA 16701
PS Form 3800, June 2002 See Reverse for Instructions

PS Form 3811, August 2001

Article Number (Transfer from service label) 7003 3110 0001 9380 6048

102595-01-M-2509

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Sheila Kim Graham
58 Gregory Avenue
Bradford, PA 16701
CLEARFIELD, PA 16830

2. Article Number (Transfer from service label) 7003 3110 0001 9380 6048

3. Service Type
☒ Certified Mail
☐ Registered
☐ Insured Mail
☐ Return Receipt for Merchandise
☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

5. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below:
1832 McMullen Hwy SW
Rawlings MD 21557

6. Received by (Printed Name)
C. Date of Delivery
A. Signature ☒ Addressee ☐ Agent

COMPLETE THIS SECTION ON DELIVERY

7. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
8. Attach this card to the back of the mailpiece, or on the front if space permits.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sheila Kim Graham
RR 1, Box 699A
A/K/A Wallaceton Road
Morrisdale, PA 16858

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. 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

7003 3110 0001 9380 9858

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

7003 3110 0001 9380 9858

OFFICIAL USE

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage

\$.60

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 4.65

Sent To

Sheila Kim Graham

Street, Apt. No.,
or PO Box No.

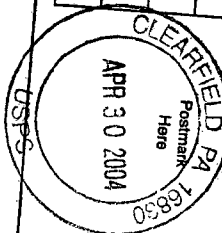
R. R. #1, Box 699A

City, State, ZIP+4

A/K/A Wallaceton Road
Morrisdale, PA 16858

PS Form 3800, June 2002

See Reverse for Instructions



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>Randy L. Graham</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Randy Lee Graham RR 1, Box 699A A/K/A 767 Wallaceton Road Morrisdale, PA 16858</p>		<p>B. Received by (Printed Name) <i>Randy L. Graham</i></p> <p>C. Date of Delivery 7-26-04</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, August 2001</p>		<p>Domestic Return Receipt</p>	
		<p>7003 3110 0001 9380 9902</p>	

U.S. Postal Service TM	
CERTIFIED MAILTM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
<p>Postage \$ \$0.60</p> <p>Certified Fee \$2.30</p> <p>Return Receipt Fee (Endorsement Required) \$1.75</p> <p>Restricted Delivery Fee (Endorsement Required) \$0.00</p> <p>Total Postage & Fees \$4.65</p>	
<p>Sent To Randy Lee Graham</p> <p>Street, Apt. No. or PO Box No. RR 1, Box 699A A/K/A 767 Wallaceton Road</p> <p>City, State, ZIP+4[®] Morrisdale, PA 16858</p>	
<p>PS Form 3800, June 2002</p> <p>See Reverse for Instructions</p>	

