

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

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

ATTORNEY FOR PLAINTIFF

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-C

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 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.

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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>
<b>TOTAL</b>	<b>\$ 63,218.06</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

9. This action does not come under Act 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  
*Francis S. Hall*  
By: /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 NO 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  
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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  
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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

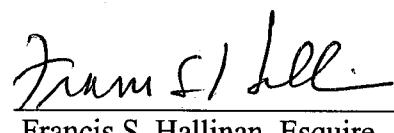
ORDER NO. 1488944

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: 10/28/02

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

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

FILED 2cc Shff  
11/19/03 Atty pd. \$5.00  
06 29 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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. :  
Plaintiff : CLEARFIELD County

vs.

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

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### Return Costs

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

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Sworn to Before Me This

11<sup>th</sup> Day Of Dec 2003  
William A. Shaw

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

So Answers,

Chester A. Hawkins  
by Marilyn Hupp  
Chester A. Hawkins  
Sheriff

FILED

01/10/2004 9:00 AM  
DEC 16 2003

William A. Shaw  
Prothonotary/Clerk of Courts

FEDERMAN AND PHELAN, LLP  
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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

v.  
Plaintiff

NO. 03-11608-CD

SHEILA KIM GRAHAM  
RANDY LEE GRAHAM  
RR1 BOX 699A  
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CLEARFIELD COUNTY

Defendant(s)

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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.

File #: 81705

*William C. Hall*  
Prothonotary/  
Clerk of Courts

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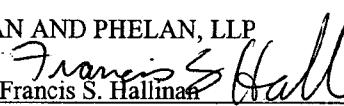
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FEDERMAN AND PHELAN, LLP  
  
 By: /s/Francis S. Hallinan  
 FRANK FEDERMAN, ESQUIRE  
 LAWRENCE T. PHELAN, ESQUIRE  
 FRANCIS S. HALLINAN, ESQUIRE

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AS FOLLOWS:

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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

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

Sheriff Docket # 14726

03-1608-CD

## COMPLAINT IN MORTGAGE FORECLOSURE

### 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  


So Answers,

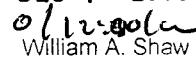


Chester A. Hawkins  
Sheriff

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

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

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

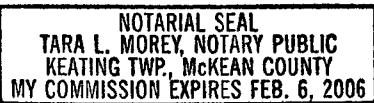
So answers:

Donald D. Morey, Sheriff

Sworn and subscribed to before me  
this 10<sup>th</sup> day of December

A.D. 2003

Donald D. Morey  
Notary



## 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  
Remarks

Total Check... + 32.00 Check No. 315721  
Total Cash.... + .00  
Cash Out..... - .00  
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
	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

Plaintiff

CIVIL DIVISION

v.

TERM

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

NO. 03-1608-CJ

CLEARFIELD COUNTY

Defendant(s)

FILED  
OCT 19  
2003

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

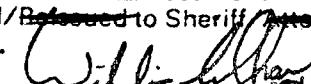
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10-1-03 Document  
Reinstated/Released to Sheriff/Attorney  
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Deputy Prothonotary

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COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM

Plaintiff NO.

v.

CLEARFIELD COUNTY

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RANDY LEE GRAHAM  
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MORRISDALE, PA 16858-9709

Defendant(s)

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

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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
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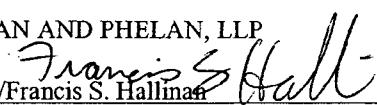
7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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: /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:

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IN THE NORTHERN PROPERTY LINE OF LAND NO OWNED BY RODGER  
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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  
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BY ALMEDA WALK; THENCE ALONG LINE OF LANDS NOW OR FORMERLY OF  
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FROM MELVIN L. GRAHAM, JR., WIDOW, RECORDED 04/21/1997 IN DEED  
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TAX KEY NUMBER: 124-P10-9

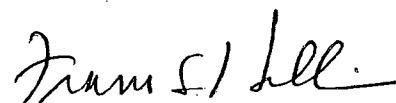
ORDER NO. 1488944

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

COP

FEDERMAN AND PHELAN, LLP

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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 03-1608-CJ

CLEARFIELD COUNTY

v.  
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Defendant(s)

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

FILED  
OCT 29 2003  
William A. Shaw  
Prothonotary/Clerk of Courts

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CIVIL DIVISION  
TERM

Plaintiff

NO.

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BOOK 1835 PAGE 207.

TAX KEY NUMBER: 124-P10-9

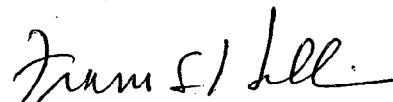
ORDER NO. 1488944

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

VERIFICATION

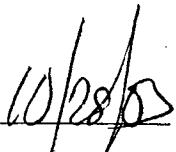
FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant 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:



10/28/02

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. :  
Plaintiff : CLEARFIELD County

vs.

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

CIVIL DIVISION

vs.

Clearfield COUNTY

Sheila Kim Graham  
Randy Lee Graham

NO. 03-1608-CD

**ORDER**

AND NOW, this 9 day of January, <sup>2004</sup> <sub>2003</sub>, 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 Wallacetown 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 Wallacetown Road, Morrisdale, PA 16858.

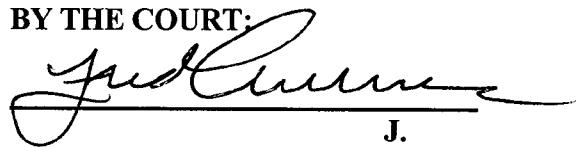
**FILED**

JAN 12 2004

William A. Shaw  
Prothonotary/Clerk of Courts

H:/Main Forms/motions/county.comp

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 Wallacetton 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 Wallacetton 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

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: Francis S. Hallinan  
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.

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

Sheila Kim Graham  
Randy Lee Graham

### 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.

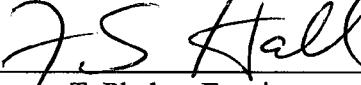
Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith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

<b>Cost</b>	<b>Description</b>
37.36	<b>SHERIFF HAWKINS PAID BY: ATTY 309111</b>
20.00	<b>SURCHARGE PAID BY: ATTY CK 309812</b>

---

**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**

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

---

**Sworn to Before Me This**

**So Answers,**

**\_\_\_\_ Day Of \_\_\_\_\_ 2003**



**Chester A. Hawkins**

**Sheriff**

## SHERIFF'S RETURN - NOT FOUND

14726

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

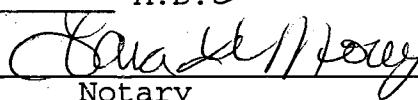
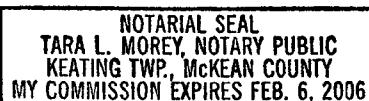
Sheriff's Costs:  
Total....\$ 32.00

So answers:

  
Donald D. Morey, Sheriff

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

Sworn and subscribed to before me  
this 10<sup>th</sup> day of December

A.D. 2003  
Notary

## 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  
 **Mortgage Foreclosure**  
 **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: Chris M. Funcher

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.

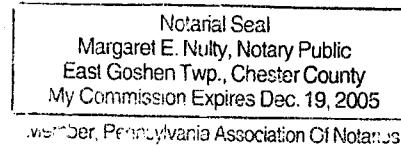
I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
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 : COURT OF COMMON PLEAS  
Corporation, S/B/M To Charter  
One Credit Corporation, F/K/A  
Equity One Credit Corporation :  
Vs. : CIVIL DIVISION  
: Clearfield COUNTY  
Sheila Kim Graham : NO. 03-1608-CD  
Randy Lee Graham

**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 Wallaceton 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: Francis S. Hallinan  
Francis S. Hallinan, Esquire

**FILED**

JAN 07 2004

FILED

1/11/04  
3364  
JAN 07 2004

William A. Straw  
Prothonotary Clerk of Courts

FEDERMAN AND PHELAN  
BY: FRANK FEDERMAN, ESQUIRE  
Identification No. 12248  
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

Plaintiff

: CIVIL DIVISION

vs.

SHEILA KIM GRAHAM  
RANDY LEE GRAHAM

: CLEARFIELD COUNTY

Defendant(s)

: NO. 03-1608-CD

**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:

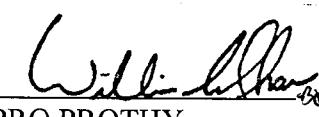
As set forth in Complaint	\$63,218.06
Interest (10/29/03 to 3/8/04)	<u>1,797.84</u>
<b>TOTAL</b>	<b>\$65,015.90</b>

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: Willie L. Chan <sup>BA</sup> 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 : CLEARFIELD COUNTY  
Vs. : NO. 03-1608-CD  
SHEILA KIMGRAHAM  
RANDY LEE GRAHAM  
Defendants

**FILE COPY**

**TO: RANDY LEE GRAHAM  
RRI 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  
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(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: SHEILA KIMGRAHAM  
RRI 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  
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	<u>\$65,015.90</u>
Interest from 3/8/04 to Date of Sale (\$10.69 per diem)	<u>\$ _____</u>
Total	<u>\$ _____</u> Plus costs as endorsed. <i>139.00 Prothonotary costs</i>

Dated 3/10/04  
(SEAL)

---

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

By: **Deputy**

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 NO 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 SHELLIA 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

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

**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 Praeclipe 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

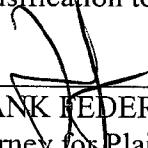
RANDY LEE GRAHAM

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

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

**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 Praeclipe 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

None.

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

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

Clearfield County Domestic Relations

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

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

Commonwealth of Pennsylvania  
Department of Welfare

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

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.

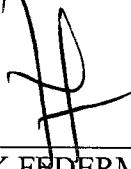
SHEILA KIM GRAHAM  
RANDY LEE GRAHAM

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.

*139.00 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

FILED May 10 2004  
M 1:00 PM  
MAR 10 2004  
William A. Shaw  
ICE to Sheriff and  
E/SB (w/cons w/prop. descr. attached)  
Prothonotary/Clerk of Courts

**PRAECLPPE 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.

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>
<b>TOTAL</b>	<b>\$70,018.57</b>

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

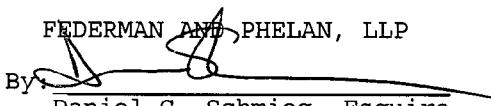
: NO. 03-1608-CD

**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 Wallacetton 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:

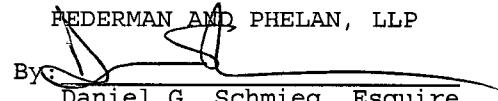
1. Complaint in Mortgage Foreclosure was filed on October 29, 2003.
2. Judgment was entered against Defendant(s) on March 10, 2004 in the amount of \$65,015.90.
3. The mortgaged premises are listed for Sheriff's Sale on August 6, 2004.
4. Additional sums have been incurred or expended on Defendant(s)' 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	<u>2,292.43</u>
<b>TOTAL</b>	<b>\$70,018.57</b>

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.

  
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 if 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

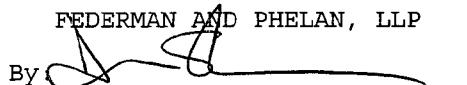
changes and can be expected to change from day to day, because Western Pennsylvania must pay expenses for the property in order to protect its collateral. 445 Pa. 117, 282 A.2d 335 (1971). Because a mortgage lien is not extinguished until the debt is paid, Plaintiff must protect its collateral up until 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, 1985  
NO. 2359

JUDGMENT AND DECREE

RIGHTS

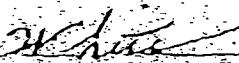
AND NOW, THIS 4 day of FEB 1, 1986,  
upon consideration of Plaintiff, Federal National Mortgage  
Association's Petition for Reconsideration Since Date of  
This Court's Order of November 7, 1985 and the Answer thereto  
of Defendants, Joseph Jefferson and Rosie Jefferson, it is  
hereby ORDERED and DECREED as follows:

- 1) Said ~~Defendant~~ is GRANTED;
- 2) The 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 disputed the specific amounts claimed.

by Plaintiff in the instant Motion for Reassessment, this  
Court finds that Defendants have adulterated those amounts,  
pursuant to 26 U.S.C. § 1029(c).

BY THE COURT:

  
THOMAS A. WHITE, JR.

**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

REDERMAN AND PHELAN, LLP  
By:   
\_\_\_\_\_  
Daniel G. Schmieg, Esquire  
Attorney For Plaintiff

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

FILED

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

JUN 21 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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**  
01/11/2004 EGD  
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**

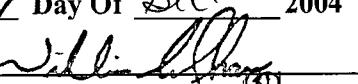
**SURCHARGE 40.00**

**PAID BY ATTORNEY**

---

**Sworn to Before Me This**

10/ Day Of Dec. 2004

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

**So Answers,**

  
Chester A. Hawkins  
Sheriff

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

---

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	<u>\$65,015.90</u>
Interest from 3/8/04 to Date of Sale (\$10.69 per diem)	\$ _____
Total	\$ _____ Plus costs as endorsed. <u>139.00 Prothonotary costs</u>

Willie L. Hansen  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

By:

Deputy

Dated 3/10/04  
(SEAL)

Received March 11, 2004 @ 3:30 P.M.  
Chester A. Hawkins  
by Cynthia Butter-Augustaugh

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

16858-9709

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

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 NO 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 SHELLA KIM GRAHAM, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETTIES 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	15.00
SERVICE	15.00
MILEAGE	15.00
LEVY	15.00
MILEAGE	9.75
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	25.44
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
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	
<b>TOTAL SHERIFF COSTS</b>	<b>\$241.19</b>

**DEED COSTS:**

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

**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	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$66,630.09</b>
<b>COSTS:</b>	
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	
MUNICIPAL LIEN	40.00
<b>TOTAL COSTS</b>	<b>\$1,122.77</b>

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, 204.

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

Very truly yours,

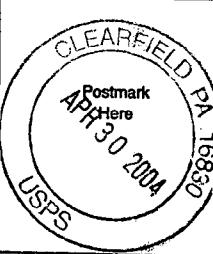
*SMC*

Sandra Cooper

VIA TELECOPY (814) 765-5915

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

RETIRED MAIL	
OF THE RECIPIENT ADDRESS FOR ADDITIONAL INFORMATION	
<b>SENDER: COMPLETE THIS SECTION</b> ■ 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 masterpiece, or on the front if space permits.	
<b>COMPLETE THIS SECTION ON DELIVERY</b> 1. Article Addressed to: <b>Sheila Kim Graham</b> 18312 McMullen Highway Rawlings, MD 21557	
A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <b>NO</b>	
3. Service Type <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.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) <b>7003 3110 0001 9380 9841</b>	
PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ®	
<b>OFFICIAL USE</b>	
Postage \$ <b>.60</b> Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ <b>4.68</b>	
Sent To <b>Sheila Kim Graham</b> Street, Apt No <b>18312 McMullen Highway</b> or PO Box No. City, State, ZIP+4 <b>Rawlings, MD 21557</b>	
PS Form 3800, June 2002	
See Reverse for Instructions	

7003 3110 0001 9380 6048

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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

Sent To  
Sheila Kim Graham  
Street, Apt. No.;  
or PO Box No. 58 Gregory Avenue  
City, State, ZIP+4 Bradford, PA 16701

See Reverse for Instructions

PS Form 3800, June 2002

CLEARFIELD PA 16830  
Postmark Here  
APR 30 2004

1146 WILLOW DR.  
CLEARFIELD, PA 16701  
16830

7003 3110 0001 9380 6048

(Transfer from service label)

2. Article Number

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

3. Service Type		4. Restricted Delivery? (Extra Fee)	
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			
58 Gregory Avenue Bradford, PA 16701			
Sheila Kim Graham			
18312 McMurran Hwy SW Rawlings MD 21557			
If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No			
D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
E. Article Addressed to:			
F. Received by (Printed Name) <input type="checkbox"/> Addressee			
G. Received by (Printed Name) <input type="checkbox"/> Date of Delivery			
H. Signature <input type="checkbox"/> Agent			
I. Complete items 1, 2, and 3. Also complete items 4 if Restricted Delivery is desired.			
J. Print your name and address on the reverse so that we can return the card to you.			
K. Attach this card to the back of the mailpiece, or on the front if space permits.			
L. Complete THIS SECTION ON DELIVERY			

**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)

PS Form 3811, August 2001

**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

Domestic Return Receipt

102595-01-M-2509

7003 3110 0001 9380 9858

Postage	\$ .60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 1.65

7003 3110 0001 9380 9858

sent to Sheila Kim Graham  
 Street, Apt. No.: R. R. #1, Box 699A  
 or PO Box No. City, State, ZIP-4: A/K/A Wallaceton Road  
 Morrisdale, PA 16858

See Reverse for Instructions

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

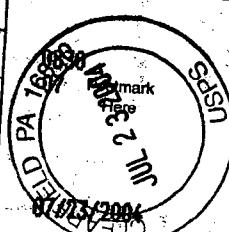
**OFFICIAL USE**

CLEARFIELD PA Postmark APR 30 2004 0581

PS Form 3800, June 2002

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <i>Randy L. Graham</i></p> <p>B. Received by (Printed Name) <i>Randy L. Graham</i></p> <p>C. Date of Delivery 7-26-04</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Randy Lee Graham RR 1, Box 699A A/K/A 767 Wallacetton Road Morrisdale, PA 16858</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>2. Article Number (Transfer from service label)</p>		<p>7003 3110 0001 9380 9902</p>	
PS Form 3811, August 2001		Domestic Return Receipt	
		102595-02-M-1540	

<b>U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)</b>																
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ®																
<b>OFFICIAL USE</b>																
<p>NORRISDALE PA 16858</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Postage</td> <td style="width: 10%;">\$</td> <td style="width: 80%;">40.60</td> </tr> <tr> <td colspan="2"></td> <td>\$2.30</td> </tr> <tr> <td colspan="2"></td> <td>\$1.75</td> </tr> <tr> <td colspan="2"></td> <td>\$0.00</td> </tr> <tr> <td colspan="2"></td> <td><b>\$4.65</b></td> </tr> </table>		Postage	\$	40.60			\$2.30			\$1.75			\$0.00			<b>\$4.65</b>
Postage	\$	40.60														
		\$2.30														
		\$1.75														
		\$0.00														
		<b>\$4.65</b>														
<p>7003 3110 0001 9380 9902</p> <p>Postage Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage &amp; Fees</p>																
<p>Sent To Randy Lee Graham Street, Apt. No. or PO Box No. 767 Wallacetton Road City, State, Zip Morrisdale, PA 16858</p>																
<p>PS Form 3800, June 2002</p>																
<p>See Reverse for Instructions</p>																





CHESTER A. HAWKINS

**SHERIFF**

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

SHEILA KIM GRAHAM  
58 GREGORY AVENUE

BRADFORD, PA-16701

INSUFFICIENT ADDRESS  
ATTEMPTED NOT KNOWN  OTHER  
NO SUCH NUMBER STREET  
NOT DELIVERABLE AS ADDRESSED  
- UNABLE TO FORWARD

Received 5-6-04

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