

04-27-CD  
CENDANT MORTGAGE CORP. vs. DAVID F. SCHELL, et al.

Cendant Mort. Corp. vs David Schell et al  
2004-27-CD

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

ATTORNEY FOR PLAINTIFF

CENDANT MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 04-27-4

DAVID E. SCHELL  
NANCY A. SCHELL  
A/K/A NANCY A. BREYER  
42 MCGEE AVENUE  
CURWENSVILLE, PA 16833

CLEARFIELD COUNTY

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**

JAN 07 2004

William A. Shaw  
Prothonotary

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

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

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

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

CENDANT MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

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

DAVID E. SCHELL  
NANCY A. SCHELL  
A/K/A NANCY A. BREYER  
42 MCGEE AVENUE  
CURWENSVILLE, PA 16833

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

3. On 04/07/2003 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to FIRST COMMONWEALTH BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument ID # 200305782. By Assignment of Mortgage recorded 08/25/03 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument ID 200315288.
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 08/01/2003 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

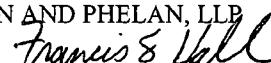
Principal Balance	\$126,220.99
Interest	5,162.30
07/01/2003 through 01/06/2004	
(Per Diem \$27.17)	
Attorney's Fees	1,250.00
Cumulative Late Charges	181.08
04/07/2003 to 01/06/2004	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 133,364.37
Escrow	
Credit	0.00
Deficit	100.14
Subtotal	<u>\$ 100.14</u>
<b>TOTAL</b>	<b>\$ 133,464.51</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.

WHEREFORE, PLAINTIFF demands an *in rem* Judgment against the Defendant(s) in the sum of \$ 133,464.51, together with interest from 01/06/2004 at the rate of \$27.17 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  
 Attorneys for Plaintiff

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE BOROUGH  
OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND  
DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERN SIDE OF MCGEE AVENUE,  
BEING A POINT ONE HUNDRED TWENTY-SEVEN AND SIX TENTHS (127.6).  
FEET FROM THE INTERSECTION OF MCGEE AVENUE WITH BLOOMINGTON  
AVENUE; THENCE SOUTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES  
EAST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON AN  
EIGHTEEN (18) FOOT ALLEY; THENCE ALONG SAID ALLEY NORTH THIRTY-  
TWO (32) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED FIVE (105.0)  
FEET TO AN IRON PIN ON LINE OF LAND NOW OR FORMERLY OWNED BY  
SEASE; THENCE ALONG SEASE PROPERTY NORTH FIFTY-EIGHT (58) DEGREES  
ZERO (0) MINUTES WEST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN  
IRON PIN ON MCGEE AVENUE; THENCE ALONG MCGEE AVENUE SOUTH THIRTY-  
TWO (32) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED FIVE (105.0)  
FEET TO AN IRON PIN AND PLACE OF BEGINNING. CONTAINING  
APPROXIMATELY 0.470 ACRES AND HAVING A BUILDING ERECTED THEREON.  
BEING TAX MAP NO. 6-2-19-26.

BEING THE SAME PROPERTY CONVEYED TO DAVID E. SCHELL AND NANCY A.  
BREYER AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP BY DEED FROM  
ERIC L. YARGER AND SHARON L. YARGER RECORDED 12/15/2000 AS DOC  
NO. 200018519

PROPERTY ADDRESS: 42 MCGEE AVENUE  
TAX ID# 6-2-19-26

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: 10/06/04

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

**CENDANT MORTGAGE CORPORATION**

**VS.**

**SCHELL, DAVID E. & NANCY A.**

**Sheriff Docket # 15017**

**04-27-CD**

**COMPLAINT IN MORTGAGE FORECLOSURE**

**SHERIFF RETURNS**

NOW JANUARY 14, 2004 AT 11:25 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURES ON DAVID E. SCHELL, DEFENDANT AT RESIDENCE, 42 MCGEE AVE., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAVID SCHELL (2)TWO TRUE AND ATTESTED COPIES OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF. (CORRECT ADDRESS IS 42 MCGEE AVE. not 124 MCGEE AVE.)

SERVED BY: DAVIS

NOW JANUARY 14, 2004 AT 11:25 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON NANCY A. SCHELL a/k/a NANCY A. BREYER, DEFENDANT AT RESIDENCE, 42 MCGEE AVE., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAVID SCHELL, HUSBAND (2) TWO TRUE AND ATTESTED COPIES OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF. (CORRECT ADDRESS IS 42 MCGEE AVE. not 124 MCGEE AVE.)

SERVED BY: DAVIS

**Return Costs**

<b>Cost</b>	<b>Description</b>
<b>45.00</b>	<b>SHERIFF HAWKINS PAID BY: ATTY CK# 322594</b>
<b>40.00</b>	<b>SURCHARGE PAID BY: ATTY</b>

Sworn to Before Me This  
12<sup>th</sup> Day Of April 2004  
William A. Shaw

So Answers,

  
Chester A. Hawkins  
Sheriff

**FILED**

APR 12 2004  
018:45 a.m.  
William A. Shaw  
Prothonotary 

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CENDANT MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

No.: 04-27-CD

vs.

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A.  
BREYER  
42 MCGEE AVENUE  
CURWENSVILLE, PA 16833

**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 DAVID E. SCHELL and NANCY A. SCHELL A/K/A NANCY A. BREYER, 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	\$133,464.51
Interest (1/7/04 to 4/26/04)	<u>3,015.87</u>
<b>TOTAL</b>	<b>\$136,480.38</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*  
FRANK FEDERMAN, ESQUIRE  
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: April 27, 2004

*Will Shaw*  
PRO PROTHY

CZJ

**FILED**

APR 27 2004

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

CENDANT MORTGAGE CORPORATION

Plaintiff  
vs. No.: 04-27-CD

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A.  
BREYER

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered  
against you on April 27, 2004.

By: Willie Thompson DEPUTY

If you have any questions concerning this matter please contact:

*Frank Federman*  
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

CENDANT MORTGAGE CORPORATION : COURT OF COMMON PLEAS  
Plaintiff : CIVIL DIVISION  
Vs. : CLEARFIELD COUNTY  
DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A. BREYER : NO. 04-27-CD  
Defendants

TO: DAVID E. SCHELL  
124 MCGEE AVENUE  
CURWENSVILLE, PA 16833

DATE OF NOTICE: FEBRUARY 6, 2004

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

#### IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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

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

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

---

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

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

ATTORNEY FOR PLAINTIFF

CENDANT MORTGAGE CORPORATION : COURT OF COMMON PLEAS  
Plaintiff : CIVIL DIVISION  
Vs. : CLEARFIELD COUNTY  
DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A. BREYER : NO. 04-27-CD  
Defendants

TO: NANCY A. SCHELL A/K/A NANCY A. BREYER  
124 MCGEE AVENUE  
CURWENSVILLE, PA 16833

DATE OF NOTICE: FEBRUARY 6, 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.

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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

CENDANT MORTGAGE CORPORATION

CLEARFIELD COUNTY

vs.

No.: 04-27-CD

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A.  
BREYER

**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, DAVID E. SCHELL, is over 18 years of age, and resides at 124 MCGEE AVENUE, CURWENSVILLE, PA 16833 .

(c) that defendant, NANCY A. SCHELL A/K/A NANCY A. BREYER, is over 18 years of age, and resides at 124 MCGEE AVENUE, CURWENSVILLE, PA 16833.

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

*Frank Federman*  
FRANK FEDERMAN, ESQUIRE

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

Cendant Mortgage Corporation  
Plaintiff(s)

No.: 2004-00027-CD

Real Debt: \$136,480.38

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

David E. Schell and  
Nancy A. Schell a/k/a  
Nancy A. Breyer  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 27, 2004

Expires: April 27, 2009

Certified from the record this 27th day of April, 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

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

---

**CENDANT MORTGAGE CORPORATION**

---

**vs.**

---

**DAVID E. SCHELL  
NANCY A. SCHELL,  
A/K/A NANCY A. BREYER**

---

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

**No. 04-27-CD**

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

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

Amount Due	
	<u>\$136,480.38</u>

Interest from 4/26/04 to	
Date of Sale (\$27.17 per diem)	

145.00 and Costs.  
Prothonotary Costs

Daniel F. Schmieg  
Daniel G. Schmieg, 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.

GEN

*EGK*  
**FILED** *ccs/cle w/nts*  
*11/2/2004 w/propdesc.*  
**AUG 17 2004** *to Shaff*

William A. Shaw *Att'y pd. 20.00*  
Prothonotary/Clerk of Courts

No. 04-27-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CENDANT MORTGAGE CORPORATION

vs.

DAVID E. SCHELL  
NANCY A. SCHELL,  
A/K/A NANCY A. BREYER

Prothonotary/Clerk of Courts  
William A. Shaw

AUG 17 2004  
FILED

*William G. Schmieg*

Attorney for Plaintiff(s)

Address: 124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
Where papers may be served.

CENDANT MORTGAGE CORPORATION  
vs.

DAVID E. SCHELL  
NANCY A. SCHELL,  
A/K/A NANCY A. BREYER

CLEARFIELD COUNTY

No.: 04-27-CD

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

CENDANT MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Daniel G. Schmieg, 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 42 MCGEE AVENUE, CURWENSVILLE, PA 16833:

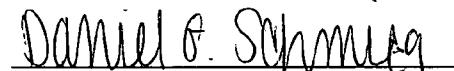
1. Name and address of Owner(s) or reputed Owner(s):

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
DAVID E. SCHELL	124 MCGEE AVENUE CURWENSVILLE, PA 16833
NANCY A. SCHELL, A/K/A NANCY A. BREYER	124 MCGEE AVENUE CURWENSVILLE, PA 16833

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.

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

August 16, 2004

CENDANT MORTGAGE CORPORATION

CLEARFIELD COUNTY

No.: 04-27-CD

vs.

DAVID E. SCHELL  
NANCY A. SCHELL,  
A/K/A NANCY A. BREYER

**AFFIDAVIT PURSUANT TO RULE 3129**  
**(Affidavit No. 2)**

CENDANT MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Daniel G. Schmieg, 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 42 MCGEE AVENUE, CURWENSVILLE, PA 16833:

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

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

None.

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

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

None.

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

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

None.

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

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

Clearfield County Domestic Relations	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
--------------------------------------	--

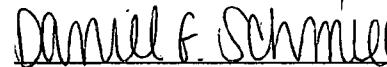
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

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

Commonwealth of Pennsylvania Department of Welfare	PO Box 2675 Harrisburg, PA 17105
---	-------------------------------------

Tenant/Occupant	42 MCGEE AVENUE CURWENSVILLE, PA 16833
-----------------	---

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.

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

August 16, 2004

FEDERMAN AND PHELAN, LLP  
By: DANIEL G. SCHMIEG, 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

CENDANT MORTGAGE  
CORPORATION

No.: 04-27-CD

vs.

CLEARFIELD COUNTY

DAVID E. SCHELL  
NANCY A. SCHELL,  
A/K/A NANCY A. BREYER

CERTIFICATION

DANIEL G. SCHMIEG, 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.

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

---

**CENDANT MORTGAGE CORPORATION**

---

vs.

---

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

**NO.: 04-27-CD**

**DAVID E. SCHELL**  
**NANCY A. SCHELL,**  
**A/K/A NANCY A. BREYER**

---

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

**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: **42 MCGEE AVENUE, CURWENSVILLE, PA 16833**

(See legal description attached.)

Amount Due	<u>\$136,480.38</u>
Interest from 4/26/04 to Date of Sale (\$27.17 per diem)	<u>\$ _____</u>
Total	<u>\$ _____</u> Plus costs as endorsed. <i>145.00 Prothonotary costs</i>

---

Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated August 17, 2004  
(SEAL)

By:

Deputy

GEN

No. 04-27-CD

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

CENDANT MORTGAGE CORPORATION

vs.

DAVID E. SCHELL  
NANCY A. SCHELL, A/K/A NANCY A. BREYER

---

**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

---

Real Debt	<u>\$136,480.38</u>
Int. from 4/26/04 to Date of Sale (\$27.17 per diem)	
Costs	
Prothy. Pd.	<u>145.00</u>
Sheriff	

Daniel G. Schmieg  
Attorney for Plaintiff

Address: 124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
Where papers may be served.

Daniel G. Schmieg, 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 PIECE OR PARCEL OF LAND SITUATE IN THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERN SIDE OF MCGEE AVENUE, BEING A POINT ONE HUNDRED TWENTY-SEVEN AND SIX TENTHS (127.6) FEET FROM THE INTERSECTION OF MCGEE AVENUE WITH BLOOMINGTON AVENUE; THENCE SOUTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON AN EIGHTEEN (18) FOOT ALLEY; THENCE ALONG SAID ALLEY NORTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN ON LINE OF LAND NOW OR FORMERLY OWNED BY SEASE; THENCE ALONG SEASE PROPERTY NORTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON MCGEE AVENUE; THENCE ALONG MCGEE AVENUE SOUTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN AND PLACE OF BEGINNING. CONTAINING APPROXIMATELY 0.470 ACRES AND HAVING A BUILDING ERECTED THEREON. BEING TAX MAP NO. 6-2-I9-26.

BEING THE SAME PROPERTY CONVEYED TO DAVID E. SCHELL AND NANCY A. BREYER AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP BY DEED FROM ERIC L. YARGER AND SHARON L. YARGER RECORDED 12/15/2000 AS DOC NO. 200018519

TAX ID# 6-2-I9-26

ORDER NO. 1529922

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15714

CENDANT MORTGAGE CORPORATION

04-27-CD

VS.  
SCHELL, DAVID E.

WRIT OF EXECUTION                    REAL ESTATE

**SHERIFF RETURNS**

NOW, JUNE 10, 2004 @ 9:40 A.M. O'CLOCK A LEVY WAS TAKEN ON THE PROPERTY OF THE DEFENDANTS. THE PROPERTY WAS ALSO POSTED THIS DATE AND TIME.

A SALE DATE OF AUGUST 6, 2004 WAS SET.

NOW, MAY 21, 2004 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE THE DEFENDANTS FILED BANKRUPTCY.

NOW, JUNE 10, 2004 @ 9:40 A.M. O'CLOCK SERVED NANCY A. SCHELL A/K/A NANCY A. BREYER, DEFENDANT, AT HER RESIDENCE 42 MCGEE AVENUE, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA 16833 BY HANDING TO DAVID E. SCHELL, HUSBAND/DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

**FILED** *6/10/2004*  
*OCT 27 2004* <sup>NO CC</sup>

William A. Shaw  
Prothonotary/Clerk of Courts

NOW, JUNE 10, 2004 @ 9:40 A.M. O'CLOCK SERVED DAVID E. SCHELL, DEFENDANT, AT HIS RESIDENCE 42 MCGEE AVENUE, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA 16833 BY HANDING TO DAVID E. SCHELL, DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY AND BY MAKING KNOWN TO HIM THE CONTENTS THEREOF.

NOW, MAY

NOW, OCTOBER 27, 2004 PAID COSTS FROM THE ADVANCE AND MADE A REFUND OF THE UNUSED ADVANCE TO THE ATTORNEY.

NOW, OCTOBER 27, 2004 RETURN WRIT AS NO SALE HELD ON THE PROPERTY OF THE DEFENDANTS. THE PLAINTIFF'S ATTORNEY STAYED THE SALE DUE TO A BANKRUPTCY FILING.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 15714

CENDANT MORTGAGE CORPORATION

04-27-CD

VS.  
SCHELL, DAVID E.

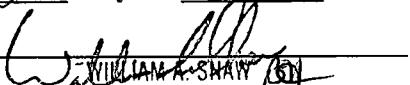
WRIT OF EXECUTION                    REAL ESTATE

**SHERIFF RETURNS**

---

SHERIFF HAWKINS            \$ 163.44  
SURCHARGE                    \$40.00  
PAID BY ATTORNEY

---

Sworn to Before Me This  
27<sup>th</sup> Day Of Oct. 2004  
  
\_\_\_\_\_  
WILLIAM A. SHAW, ESQ.  
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

---

CENDANT MORTGAGE CORPORATION

---

vs.

---

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A. BREYER

---

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

NO.: 04-27-CD

WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)

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: **42 MCGEE AVENUE, CURWENSVILLE, PA 16833**

(See legal description attached.)

Amount Due	<u>\$136,480.38</u>
Interest from 4/26/04 to Date of Sale (\$22.44 per diem)	<u>\$ _____</u>
Total	<u>\$ _____</u> Plus costs as endorsed. <i>125.00 Prothonotary costs</i>

Dated 4/27/04  
(SEAL)

*Will H. Hargan*  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

By:

Received April 27, 2004 @ 3:00 P.M.  
Chester A. Hawkins  
By Cynthia Butler-Caughran

Deputy

CZJ

No. 04-27-CD

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

CENDANT MORTGAGE CORPORATION

VS.

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A. BREYER

---

**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

---

Real Debt \$136,480.38

Int. from 4/26/04  
to Date of Sale (\$22.44 per diem)

Costs \_\_\_\_\_

Prothy. Pd. 125.00

Sheriff \_\_\_\_\_

Frank Federman

Attorney for Plaintiff

Address: 124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
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 PIECE OR PARCEL OF LAND SITUATE IN THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERN SIDE OF MCGEE AVENUE, BEING A POINT ONE HUNDRED TWENTY-SEVEN AND SIX TENTHS (127.6) FEET FROM THE INTERSECTION OF MCGEE AVENUE WITH BLOOMINGTON AVENUE; THENCE SOUTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON AN EIGHTEEN (18) FOOT ALLEY; THENCE ALONG SAID ALLEY NORTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN ON LINE OF LAND NOW OR FORMERLY OWNED BY SEASE; THENCE ALONG SEASE PROPERTY NORTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON MCGEE AVENUE; THENCE ALONG MCGEE AVENUE SOUTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN AND PLACE OF BEGINNING. CONTAINING APPROXIMATELY 0.470 ACRES AND HAVING A BUILDING ERECTED THEREON.  
BEING TAX MAP NO. 6-2-19-26.

BEING THE SAME PROPERTY CONVEYED TO DAVID E. SCHELL AND NANCY A. BREYER AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP BY DEED FROM ERIC L. YARGER AND SHARON L. YARGER RECORDED 12/15/2000 AS DOC NO. 200018519

TAX ID# 6-2-19-26

ORDER NO. 1529922

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME SCHELL NO. 04-27-CD

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

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

## **SHERIFF COSTS:**

## **PLAINTIFF COSTS, DEBT & INTEREST:**

RDR	15.00	DEBT-AMOUNT DUE	136,480.38
SERVICE	15.00	INTEREST FROM 04/26/04 @22.44	
MILEAGE	4.50	TO BE ADDED TO SALE DATE	
LEVY	15.00	ATTORNEY FEES	
MILEAGE	4.50	PROTH. SATISFACTION	
POSTING	15.00	LATE CHARGES & FEES	
CSDS	10.00	COST OF SUIT -TO BE ADDED	
COMMISSION 2%		FORECLOSURE FEES/ESCROW DEFICIT	
POSTAGE	4.44	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	
ADVERTISING		SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED			
ADD'L POSTING		<b>TOTAL DEBT &amp; INTEREST</b>	<b>136,480.38</b>
ADD'L MILEAGE			
ADD'L LEVY			
BID AMOUNT			
RETURNS/DEPUTIZE			
COPIES/BILLING	15.00	<b>COSTS:</b>	
	5.00	ADVERTISING	
BILLING/PHONE/FAX	5.00	TAXES - collector	
		TAXES - tax claim	
		DUE	
		LIEN SEARCH	
		ACKNOWLEDGEMENT	
TOTAL SHERIFF		DEED COSTS	0.00
COSTS	163.44	SHERIFF COSTS	163.44
		LEGAL JOURNAL AD	
<b>DEED COSTS:</b>		PROTHONOTARY	125.00
ACKNOWLEDGEMENT		MORTGAGE SEARCH	
REGISTER & RECORDER		MUNICIPAL LIEN	
TRANSFER TAX 2%			
TOTAL DEED		<b>TOTAL COSTS</b>	<b>288.44</b>
COSTS	0.00		

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  
Genevieve.Mautz@fedphe.com

Genevieve Mautz  
 Judgment Department, Ext. 1409

Representing Lenders in  
 Pennsylvania and New Jersey

May 21, 2004

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

ATTENTION: CINDY (814) 765-5915

Re: CENDANT MORTGAGE CORPORATION v. DAVID E. SCHELL NANCY A. SCHELL  
 A/K/A NANCY A. BREYER  
 No. 04-27-CD  
 42 MCGEE AVENUE, CURWENSVILLE, PA 16833

Dear Cindy:

Please do not list the above referenced property for sheriff sale. Please return the original writ of execution to the Prothonotary's office and refund any unused money to our office.

The Defendant (s) filed a Chapter 07 Bankruptcy (No. 04-25581) on 4/28/04.

Very truly yours,

*Gen Mautz*  
 Genevieve Mautz

VIA TELECOPY (814) 765-5915

CC:	DAVID E. SCHELL 124 MCGEE AVENUE CURWENSVILLE, PA 16833	NANCY A. SCHELL A/K/A NANCY A. BREYER 124 MCGEE AVENUE CURWENSVILLE, PA 16833	CENDANT CORPORATION LAUREL, NJ) Attn: FPS Loan No: 0021942065	MORTGAGE (MOUNT
-----	---	--	---	--------------------

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 16513  
NO: 04-27-CD

PLAINTIFF: CENDANT MORTGAGE CORPORATION  
vs.  
DEFENDANT: SCHELL, DAVID E.

WRIT OF EXECUTION REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 07/17/2004

LEVY TAKEN 10/29/2004 @ 1:35 PM

POSTED 10/29/2004 @ 1:35 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 05/12/2005

DATE DEED FILED **NOT SOLD**

FILED  
01/3:54 PM  
MAY 12 2005

William A. Shaw  
Prothonotary/Clerk of Courts

**DETAILS**

@ SERVED DAVID E. SCHELL

UNABLE TO SERVE RESIDENCE AT 124 MCGEE AVENUE, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA WAS EMPTY. INFORMED ATTY OFFICE 11/4/04.

@ SERVED NANCY A. SCHELL A/K/A NANCY A. BREYER

UNABLE TO SERVE RESIDENCE AT 124 MCGEE AVENUE, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA WAS EMPTY. INFORMED ATTY OFFICE 11/4/04.

@ SERVED

NOW, DECEMBER 12, 2004 RECEIVED A FAX LETTER FROM THE ATTORNEY'S OFFICE TO STAY THE SHERIFF'S SALE SCHEDULED FOR JANUARY 7, 2005 AND RETURN TO THE PROTHONOTARY.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 16513  
NO: 04-27-CD

PLAINTIFF: CENDANT MORTGAGE CORPORATION

vs.

DEFENDANT: SCHELL, DAVID E.

WRIT OF EXECUTION REAL ESTATE

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$163.44

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

*Chester Hawkins*  
By Cynthia Bitter-Aspinwall  
Chester A. Hawkins  
Sheriff

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

---

CENDANT MORTGAGE CORPORATION

---

vs.

---

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

NO.: 04-27-CD

DAVID E. SCHELL  
NANCY A. SCHELL,  
A/K/A NANCY A. BREYER

---

WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)

**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: **42 MCGEE AVENUE, CURWENSVILLE, PA 16833**

(See legal description attached.)

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Interest from 4/26/04 to Date of Sale (\$27.17 per diem)	<u>\$_____</u>
Total	<u>\$_____</u> Plus costs as endorsed. <u>145.00 Prothonotary costs</u>

Dated August 17, 2004  
(SEAL)

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

By:

Received August 17, 2004 @ 3:00 P.M.  
Chester A. Haeflein  
by Cynthia Butler - Aughenbaugh

Deputy

GEN

No. 04-27-CD

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

CENDANT MORTGAGE CORPORATION

VS.

DAVID E. SCHELL  
NANCY A. SCHELL, A/K/A NANCY A. BREYER

---

**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

---

Real Debt \$136,480.38

Int. from 4/26/04 \_\_\_\_\_  
to Date of Sale (\$27.17 per diem)

Costs \_\_\_\_\_

Prothy. Pd. 145.00

Sheriff \_\_\_\_\_

Daniel G. Schmieg  
Attorney for Plaintiff

Address: 124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
Where papers may be served.

Daniel G. Schmieg, 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 PIECE OR PARCEL OF LAND SITUATE IN THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERN SIDE OF MCGEE AVENUE, BEING A POINT ONE HUNDRED TWENTY-SEVEN AND SIX TENTHS (127.6) FEET FROM THE INTERSECTION OF MCGEE AVENUE WITH BLOOMINGTON AVENUE; THENCE SOUTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON AN EIGHTEEN (18) FOOT ALLEY; THENCE ALONG SAID ALLEY NORTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN ON LINE OF LAND NOW OR FORMERLY OWNED BY SEASE; THENCE ALONG SEASE PROPERTY NORTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON MCGEE AVENUE; THENCE ALONG MCGEE AVENUE SOUTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN AND PLACE OF BEGINNING. CONTAINING APPROXIMATELY 0.470 ACRES AND HAVING A BUILDING ERECTED THEREON.  
BEING TAX MAP NO. 6-2-19-26.

BEING THE SAME PROPERTY CONVEYED TO DAVID E. SCHELL AND NANCY A. BREYER AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP BY DEED FROM ERIC L. YARGER AND SHARON L. YARGER RECORDED 12/15/2000 AS DOC NO. 200018519

TAX ID# 6-2-19-26

ORDER NO. 1529922

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME DAVID E. SCHELL

NO. 04-27-CD

NOW, May 12, 2005, 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 , I exposed the within described real estate of Schell, David E. to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	
MILEAGE	4.50
LEVY	15.00
MILEAGE	4.50
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	4.44
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$163.44</b>

**DEED COSTS:**

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

**PLAINTIFF COSTS, DEBT AND INTEREST:**

	DEBT-AMOUNT DUE INTEREST @ FROM TO	136,480.38 0.00
PROTH SATISFACTION		
LATE CHARGES AND FEES		
COST OF SUIT-TO BE ADDED		
FORECLOSURE FEES		
ATTORNEY COMMISSION		
REFUND OF ADVANCE		
REFUND OF SURCHARGE		40.00
SATISFACTION FEE		
ESCROW DEFICIENCY		
PROPERTY INSPECTIONS		
INTEREST		
MISCELLANEOUS		
<b>TOTAL DEBT AND INTEREST</b>		<b>\$136,520.38</b>
<b>COSTS:</b>		
ADVERTISING		320.76
TAXES - COLLECTOR		
TAXES - TAX CLAIM		
DUE		
LIEN SEARCH		
ACKNOWLEDGEMENT		
DEED COSTS		0.00
SHERIFF COSTS		163.44
LEGAL JOURNAL COSTS		180.00
PROTHONOTARY		145.00
MORTGAGE SEARCH		
MUNICIPAL LIEN		
<b>TOTAL COSTS</b>		<b>\$809.20</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 1253

Representing Lenders in  
Pennsylvania and New Jersey

November 30, 2004

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

**ATTENTION: CINDY (814) 765-5915**

**Re: CENDANT MORTGAGE CORPORATION v. DAVID E. SCHELL NANCY A. SCHELL,  
A/K/A NANCY A. BREYER  
No. 04-27-CD  
42 MCGEE AVENUE, CURWENSVILLE, PA 16833**

Dear Cindy:

Please stay the Sheriff's Sale of the above referenced property, which is scheduled for JANUARY 7, 2005, return the original writ of execution to the Prothonotary's office and refund any unused money to our office.

No funds were received in consideration for the stay.

Very truly yours,

Sandra Cooper

VIA TELECOPY (814) 765-5915

CC: DAVID E. SCHELL 124 MCGEE AVENUE CURWENSVILLE, PA 16833	NANCY A. SCHELL, A/K/A NANCY A. BREYER 124 MCGEE AVENUE CURWENSVILLE, PA 16833	CENDANT CORPORATION Attn: DAG Loan No: 0021942063	MORTGAGE
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**PRAECIPE FOR WRIT OF EXECUTION--(MORTGAGE FORECLOSURE)  
Pa.R.C.P. 3180-3183**

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**CENDANT MORTGAGE CORPORATION**

---

**vs.**

---

**DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A. BREYER**

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

**No. 04-27-CD**

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

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

Amount Due	
	<u>\$136,480.38</u>

Interest from 4/26/04 to	
Date of Sale (\$22.44 per diem)	

125.00 and Costs.  
*Prothonotary costs*

Frank Federman

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

Note: Please attach description of Property.

CZJ

**FILED**

**APR 27 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

No. 04-27-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CENDANT MORTGAGE CORPORATION

vs.

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A.  
BREYER

Prothonotary/Clerk of Courts  
William A. Shaw, Jr.  
APR 27 2004  
160 Callewys  
FILED May 12 2004  
cc: [unclear]

PRAECEIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

*Frank J. Lehman*

Attorney for Plaintiff(s)

Address: 124 MCCGEE AVENUE, CURWENSVILLE, PA 16833

Where papers may be served.

CENDANT MORTGAGE CORPORATION

CLEARFIELD COUNTY

No.: 04-27-CD

vs.

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A.  
BREYER

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

CENDANT MORTGAGE 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 42 MCGEE AVENUE, CURWENSVILLE, PA 16833:

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

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

DAVID E. SCHELL	124 MCGEE AVENUE CURWENSVILLE, PA 16833
-----------------	--

NANCY A. SCHELL A/K/A NANCY A. BREYER	124 MCGEE AVENUE CURWENSVILLE, PA 16833
--	--

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

SAME AS ABOVE

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

Frank Federman  
FRANK FEDERMAN, ESQUIRE  
Attorney for Plaintiff

April 26, 2004

CENDANT MORTGAGE CORPORATION

CLEARFIELD COUNTY

No.: 04-27-CD

vs.

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A.  
BREYER

**AFFIDAVIT PURSUANT TO RULE 3129**  
**(Affidavit No. 2)**

CENDANT MORTGAGE 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 42 MCGEE AVENUE, CURWENSVILLE, PA 16833:

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)
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None.

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

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
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None.

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

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

None.

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

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

Clearfield County Domestic Relations	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
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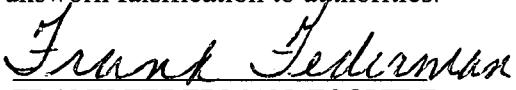
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

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

Commonwealth of Pennsylvania Department of Welfare	PO Box 2675 Harrisburg, PA 17105
---	-------------------------------------

Tenant/Occupant	42 MCGEE AVENUE CURWENSVILLE, PA 16833
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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

April 26, 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

CENDANT MORTGAGE  
CORPORATION

No.: 04-27-CD

vs.

CLEARFIELD COUNTY

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A.  
BREYER

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

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

**COPY**

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**CENDANT MORTGAGE CORPORATION**

---

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

vs.

NO.: 04-27-CD

---

**DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A. BREYER**

---

**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

**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: **42 MCGEE AVENUE, CURWENSVILLE, PA 16833**

(See legal description attached.)

Amount Due	<u>\$136,480.38</u>
Interest from 4/26/04 to Date of Sale (\$22.44 per diem)	\$ _____
Total	\$ _____ Plus costs as endorsed. 125.00 Prothonotary costs

Dated 4/27/04  
(SEAL)

Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

By:  
Deputy

CZJ

No. 04-27-CD

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

CENDANT MORTGAGE CORPORATION

VS.

DAVID E. SCHELL  
NANCY A. SCHELL A/K/A NANCY A. BREYER

---

**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

---

Real Debt	<u>\$136,480.38</u>
Int. from 4/26/04 to Date of Sale (\$22.44 per diem)	
Costs	
Proth. Pd.	<u>125.00</u>
Sheriff	

*Frank Federman*  
\_\_\_\_\_  
Attorney for Plaintiff

Address: 124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
124 MCGEE AVENUE, CURWENSVILLE, PA 16833  
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 PIECE OR PARCEL OF LAND SITUATE IN THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERN SIDE OF MCGEE AVENUE, BEING A POINT ONE HUNDRED TWENTY-SEVEN AND SIX TENTHS (127.6) FEET FROM THE INTERSECTION OF MCGEE AVENUE WITH BLOOMINGTON AVENUE; THENCE SOUTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON AN EIGHTEEN (18) FOOT ALLEY; THENCE ALONG SAID ALLEY NORTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES EAST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN ON LINE OF LAND NOW OR FORMERLY OWNED BY SEASE; THENCE ALONG SEASE PROPERTY NORTH FIFTY-EIGHT (58) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED NINETY-ONE (191.0) FEET TO AN IRON PIN ON MCGEE AVENUE; THENCE ALONG MCGEE AVENUE SOUTH THIRTY-TWO (32) DEGREES ZERO (0) MINUTES WEST ONE HUNDRED FIVE (105.0) FEET TO AN IRON PIN AND PLACE OF BEGINNING. CONTAINING APPROXIMATELY 0.470 ACRES AND HAVING A BUILDING ERECTED THEREON.  
BEING TAX MAP NO. 6-2-19-26.

BEING THE SAME PROPERTY CONVEYED TO DAVID E. SCHELL AND NANCY A. BREYER AS JOINT TENANTS WITH RIGHT OF SURVORSHIP BY DEED FROM ERIC L. YARGER AND SHARON L. YARGER RECORDED 12/15/2000 AS DOC NO. 200018519

TAX ID# 6-2-19-26

ORDER NO. 1529922