

04-1456-CD
HSBC BANK USA et al. vs. PAUL A. KOLFSAR, et al.

HSBC Bank et al vs Paul Kolesar et al
2004-1456-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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR
CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET
BACKED PASS
THROUGH CERTIFICATES SERIES 2003-HE-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff
v.

PAUL A. KOLESAR
A/K/A PAUL A. KOLESAR, JR.
A/K/A PAUL KOLESAR, JR.
A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR
A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR
JOAN L. HOUSER
A/K/A JOAN KOLESAR
BOX 338
A/K/A 710 BIRCH STREET
WINBURNE, PA 16879

Defendants
CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO. 04-1456-CD
CLEARFIELD COUNTY

FILED 3cc
m/11/2004 Sheriff
SEP 21 2004 Atty pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

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.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP
MORTGAGE LOAN TRUST, INC., ASSET BACKED PASS
THROUGH CERTIFICATES SERIES 2003-HE-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

PAUL A. KOLESAR
A/K/A PAUL A. KOLESAR, JR.
A/K/A PAUL KOLESAR, JR.
A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR
A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR
JOAN L. HOUSER
A/K/A JOAN KOLESAR
BOX 338
A/K/A 710 BIRCH STREET
WINBURNE, PA 16879

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

3. On 03/12/1996 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ALTEGRA CREDIT COMPANY which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book No. 1745, Page No. 181. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
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 04/18/2004 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	\$36,001.86
Interest	2,077.36
03/18/2004 through 09/17/2004	
(Per Diem \$11.29)	
Attorney's Fees	1,250.00
Cumulative Late Charges	1,571.28
03/12/1996 to 09/17/2004	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 41,450.50
Escrow	
Credit	0.00
Deficit	1,535.57
Subtotal	<u>\$ 1,535.57</u>
TOTAL	\$ 42,986.07

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 42,986.07, together with interest from 09/17/2004 at the rate of \$11.29 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 lot or piece of land situate in the Township of Cooper, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a stake in right of way line of Township Road No-T-720 and the Northeast corner of Lot No. 43, the property of Hilma Lundquist; thence along said Lot No. 43, North Eighty-five degrees Forty-nine minutes West (N 85° 49' W) a distance of One hundred twenty-five (125) feet to a stake; thence still by the lands of Hilma Lundquist Lot No. 105, from which this is a part, North Five degrees Fifty-three minutes East (N 5° 53' E) a distance of One hundred (100) feet to a stake; thence, still by the same lands of Hilma Lundquist, South Eighty-five degrees Forty-nine minutes East (S 85° 49' E) a distance of one hundred twenty-five (125) feet to a stake in right of way line of Township Road, No-T-720; thence along said right of way line of South five degrees Fifty-three minutes West (S 5° 53' W) a distance of one hundred (100) feet to a stake and the place of beginning. This piece of land containing .0287 acres, as shown on plan and map prepared by Bernard Lucas Associates.

UNDER AND SUBJECT to all exceptions, reservations, restrictions, conditions, easements, rights and rights of way as contained in prior deeds and instruments of record.

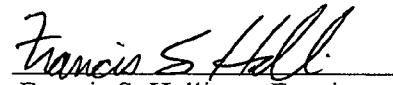
BEING the same premises which became vested in William I. Houser and Joan L. Houser, as Tenants by the Entirety by Deed dated July 17, 1970 and recorded in Clearfield County Deed Book 583, page 318. William I. Houser subsequently died thus vesting title in Joan L. Houser as Surviving Spouse.

PREMISES BEING: BOX 338 A/K/A 710 BIRCH STREET

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: 10/14/04

FILED

SEP 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

HSBC BANK USA

VS.

KOLESAR, PAUL A. a/k/a PAUL A. KOLESAR JR. a/k/a

COMPLAINT IN MORTGAGE FORECLOSURE

Sheriff Docket # 16322

04-1456-CD

SHERIFF RETURNS

NOW OCTOBER 20, 204 AT 5:30 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KRSITINE J. KOLESAR a/k/a KRISTINE KOLESAR a/k/a KRIS KOLESAR, DEFENDANT AT RESIDENCE, BOX 338, a/k/a 710 BIRCH ST., WINBURN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KRISTINE KOLESAR A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

NOW OCTOBER 20, 2004 AT 5:30 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON PAUL A. KOLESAR a/k/a PAUL A. KOLESAR a/k/a PAUL KOLESAR JR. a/k/a PAUL KOLESAR, DEFENDANT AT RESIDENCE, BOX 338, a/k/a 710 BIRCH ST., WINBURN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KRISTINE KOLESAR, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING

NOW OCTOBER 29, 2004 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURN THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO JOAN L. HOUSER a/k/a JOAN KOLESAR, DEFENDANT IS "DECEASED".

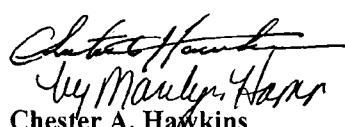
Return Costs

Cost	Description
59.00	SHERIFF HAWKINS PAID BY: ATTY CK# 377609
30.00	SURCHARGE PAID BY: ATTY CK# 377586

Sworn to Before Me This

1st Day Of Nov. 2004
William A. Hause

So Answers,


Chester A. Hawkins
Sheriff

NOV 01 2004

Book

William A. Hause
FBI - Philly

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LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
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COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO. 04-1456-CJ
CLEARFIELD COUNTY

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

SEP 21 2004

Attest.

William E. Ober
Prothonotary/
Clerk of Courts

Defendants
CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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TOTAL	\$ 42,986.07

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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.

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FEDERMAN AND PHELAN, LLP
 By: Francis Hall

 /s/ Francis S. Hallinan
 FRANK FEDERMAN, ESQUIRE
 LAWRENCE T. PHELAN, ESQUIRE
 FRANCIS S. HALLINAN, ESQUIRE
 Attorneys for Plaintiff

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BEING the same premises which became vested in William I. Houser and Joan L. Houser, as Tenants by the Entirety by Deed dated July 17, 1970 and recorded in Clearfield County Deed Book 583, page 318. William I. Houser subsequently died thus vesting title in Joan L. Houser as Surviving Spouse.

PREMISES BEING: BOX 338 A/K/A 710 BIRCH STREET

VERIFICATION

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Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 9/11/04

FEDERMAN AND PHELAN, LLP
BY: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center Plaza
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney For Plaintiff

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COURT OF COMMON PLEAS
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PAUL A. KOLESAR
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A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR
A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR
JOAN L. HOUSER

**SUGGESTION OF DEATH
RE: DEFENDANT JOAN L. HOUSER
AND RELEASE OF DEFENDANT'S LIABILITY**

COMMONWEALTH OF PENNSYLVANIA:

FRANCIS S. HALLINAN, ESQUIRE, attorney for the Plaintiff, hereby certifies that, to the best of his knowledge, information and belief, the Defendant, JOAN L. HOUSER is deceased -- date of death on or about 1/9/04. Plaintiff hereby releases JOAN L. HOUSER from liability for the debt secured by the mortgage.

As the, property was owned by defendants, PAUL A. KOLESAR, KRISTINE KOLESAR, AND JOAN L. HOUSER as joint tenants with the right of survivorship, upon the death of JOAN L. HOUSER, PAUL A. KOLESAR AND KRISTINE KOLESAR became sole owner of the mortgaged premises as surviving joint tenants with the right of survivorship.

FEDERMAN AND PHELAN

By: 
Francis S. Hallinan, Esquire
Attorney for Plaintiff

Dated: 11/12/04

ebc FILED
NOV 15 2004
13:36
William A. Shaw
Prothonotary/Clerk of Courts
1 CENT TO FILE

FEDERMAN AND PHELAN, LLP
BY: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center Plaza
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney For Plaintiff

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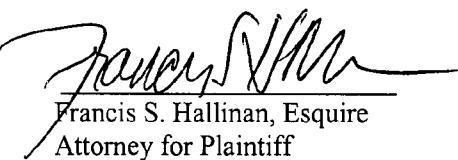
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KRISTINE J. KOLESAR
A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR
JOAN L. HOUSER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Suggestion of Death Re: JOAN L. HOUSER was sent via first class mail to the following on the date listed below:

PAUL A. KOLESAR
KRISTINE KOLESAR
710 BIRCH STREET
BOX 338
WINBURNE, PA 16879


Francis S. Hallinan, Esquire
Attorney for Plaintiff

Dated: 11/12/04

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HSBC BANK USA, AS TRUSTEE IN
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BOX 338 A/K/A 710 BIRCH STREET
WINBURNE, PA 16879

FILED *CCo, Notice
m/11/18/05 to Defs.
JAN 07 2005 Statement to
Atty*
William A. Shaw *Atty pd. 20.00*
Prothonotary/Clerk of Courts

**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 PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR, KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS KOLESAR, 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	\$42,986.07
Interest (9/18/04 to 12/28/04)	<u>1,151.58</u>
TOTAL	\$44,137.65

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.

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 11/7/05

William A. Shaw
PRO PROTHY

KIO

FEDERMAN 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 Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS
CITIGROUP MORTGAGE LOAN TRUST, INC., : CIVIL DIVISION
ASSET BACKED PASS THROUGH CERTIFICATES SERIES 2003-HE-4

Plaintiff : CLEARFIELD COUNTY

Vs. : NO. 04-1456-CD

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR.
A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR
Defendants

FILE COPY

TO: PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
BOX 338 A/K/A 710 BIRCH STREET
WINBURNE, PA 16879

DATE OF NOTICE: NOVEMBER 29, 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 x 5982

PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375

FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

FEDERMAN 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 Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS
CITIGROUP MORTGAGE LOAN TRUST, INC., : CIVIL DIVISION
ASSET BACKED PASS THROUGH CERTIFICATES
SERIES 2003-HE-4

Plaintiff : CLEARFIELD COUNTY

Vs. : NO. 04-1456-CD

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR.
A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR

Defendants

FILE COPY

TO: KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS KOLESAR
BOX 338 A/K/A 710 BIRCH STREET
WINBURNE, PA 16879

DATE OF NOTICE: NOVEMBER 29, 2004

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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 x 5982

PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375

FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHÉLAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG, ESQUIRE
IDENTIFICATION NO. 62205
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

HSBC BANK USA, AS TRUSTEE IN CLEARFIELD COUNTY
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC. ASSET BACKED PASS No.: 04-1456-CD
TROUGH CERTIFICATES SERIES 2003-
HE-4

vs.

PAUL A. KOLESAR A/K/A PAUL A.
KOLESAR, JR. A/K/A PAUL KOLESAR, JR.
A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE
KOLESAR A/K/A KRIS KOLESAR

VERIFICATION OF NON-MILITARY SERVICE

DANIEL G. SCHMIEG, 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, PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR, is over 18 years of age, and resides at BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879 .

(c) that defendant, KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS KOLESAR, is over 18 years of age, and resides at BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879.

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

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC. ASSET BACKED PASS
TROUGH CERTIFICATES SERIES 2003-
HE-4

No.: 04-1456-CD



Plaintiff

vs.

PAUL A. KOLESAR A/K/A PAUL A.
KOLESAR, JR. A/K/A PAUL KOLESAR, JR.
A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE
KOLESAR A/K/A KRIS KOLESAR

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on January 7, 2005.

By: _____ DEPUTY

If you have any questions concerning this matter please contact:

Daniel G. Schmieg
DANIEL G. SCHMIEG, 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.**

FILED

JAN 07 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

HSBC Bank USA
Citigroup Mortgage Loan Trust, Inc.
Plaintiff(s)

No.: 2004-01456-CD

Real Debt: \$44,137.65

Atty's Comm: \$

Vs.

Costs: \$

Paul A. Kolesar
Kristine J. Kolesar
Joan L. Houser
Defendant(s)

Entry: \$20.00

Int. From: \$

Instrument: In Rem Judgment against Paul A.
Kolesar and Kristine J. Kolesar ONLY

Date of Entry: January 7, 2005

Expires: January 7, 2010

Certified from the record this 7th day of January, 2005.

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP
MORTGAGE LOAN TRUST, INC. ASSET BACKED PASS
THROUGH CERTIFICATES SERIES 2003-HE-4

vs.

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A
PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A
KRIS KOLESAR

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

No. 04-1456-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>\$44,137.65</u>

Interest from 12/28/04 to	
Date of Sale (\$7.26 per diem)	

and Costs.

125.00

Prothonotary costs

Daniel G. 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.

KIO

FILED 1cc to 6 units
m/11/2005 w/prop. descr.
JAN 07 2005 to Shff
Atty pd. 20.00
William A. Shaw
Prothonotary/Clerk of Courts

No. 04-1456-CD

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP
MORTGAGE LOAN TRUST, INC. ASSET BACKED PASS
THROUGH CERTIFICATES SERIES 2003-HE-4

vs.

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A
PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A
KRIS KOLESAR
JOAN L. Houser A/K/A JOAN KOLESAR
(DEC'D)

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



Attorney for Plaintiff(s)

Address: BOX 338 A/K/A 710 BIRCH STREET, WINBURN, PA 16879
BOX 338 A/K/A 710 BIRCH STREET, WINBURN, PA 16879
Where papers may be served.

FILED

JAN 07 2005

William A. Shaw
Prothonotary/Clerk of Courts

PHELÁN HALLINAN & SCHMIEG
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

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC. ASSET BACKED
PASS TROUGH CERTIFICATES SERIES
2003-HE-4

No.: 04-1456-CD

CLEARFIELD COUNTY

vs.

PAUL A. KOLESAR A/K/A PAUL A.
KOLESAR, JR. A/K/A PAUL KOLESAR,
JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A
KRISTINE KOLESAR A/K/A KRIS
KOLESAR

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

CLEARFIELD COUNTY

HSBC BANK USA, AS TRUSTEE IN TRUST FOR
CITIGROUP MORTGAGE LOAN TRUST, INC.
ASSET BACKED PASS TROUGH CERTIFICATES
SERIES 2003-HE-4

No.: 04-1456-CD

vs.

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR.
A/K/A PAUL KOLESAR, JR. A/K/A PAUL
KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE
KOLESAR A/K/A KRIS KOLESAR

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST, INC.
ASSET BACKED PASS TROUGH CERTIFICATES SERIES 2003-HE-4, Plaintiff in the above action, by its
attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecept for the Writ of Execution was filed
the following information concerning the real property located at BOX 338 A/K/A 710 BIRCH STREET,
WINBURNE, PA 16879:

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

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

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR	BOX 338 A/K/A 710 BIRCH STREET WINBURNE, PA 16879
--	--

KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS KOLESAR	BOX 338 A/K/A 710 BIRCH STREET WINBURNE, PA 16879
---	--

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

January 6, 2005

CLEARFIELD COUNTY

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC. ASSET BACKED PASS
TROUGH CERTIFICATES SERIES 2003-
HE-4

No.: 04-1456-CD

vs.

PAUL A. KOLESAR A/K/A PAUL A.
KOLESAR, JR. A/K/A PAUL KOLESAR, JR.
A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE
KOLESAR A/K/A KRIS KOLESAR

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST, INC.
ASSET BACKED PASS TROUGH CERTIFICATES SERIES 2003-HE-4, Plaintiff in the above action, by its
attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecept for the Writ of Execution was filed
the following information concerning the real property located at BOX 338 A/K/A 710 BIRCH STREET,
WINBURNE, PA 16879:

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

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

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

COMMONWEALTH OF PA BUREAU
OF INDIVIDUAL TAX INHERITANCE
TAX DIVISION ATTN: JOHN MURPHY

6TH FLOOR, STRAWBERRY SQUARE
DEPT # 280601
HARRISBURG, PA 17128

DEPARTMENT OF PUBLIC WELFARE
TPL CASUALTY UNIT
ESTATE RECOVERY PROGRAM

P.O. BOX 8486
WILLOW OAK BUILDING
HARRISBURG, PA 17105-8486

INTERNAL REVENUE SERVICE
FEDERATED INVESTORS TOWERS

THIRTEENTH FLOOR SUITE 1300
1001 LIBERTY AVENUE
PITTSBURGH, PA 15222

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

BOX 338 A/K/A 710 BIRCH STREET
WINBURNE, PA 16879

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

January 6, 2005

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR
CITIGROUP MORTGAGE LOAN TRUST, INC. ASSET
BACKED PASS THROUGH CERTIFICATES SERIES 2003-
HE-4

vs.

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR.
A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR
JOAN L. Houser A/K/A JOAN KOLESAR
(DEC'D)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 04-1456-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: **BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879**

(See legal description attached.)

Amount Due	\$ <u>44,137.65</u>
Interest from 12/28/04 to Date of Sale (\$7.26 per diem)	\$ _____
Total	\$ <u>125.00</u> Plus costs as endorsed. Prothonotary costs

Dated 1/7/05
(SEAL)

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By:
Deputy

KJO

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

No. 04-1456-CD

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP
MORTGAGE LOAN TRUST, INC. ASSET BACKED PASS TROUGH
CERTIFICATES SERIES 2003-HE-4

VS.

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A PAUL
KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS
KOLESAR

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt \$44,137.65

Int. from 12/28/04
to Date of Sale (\$7.26 per diem) _____

Costs _____

Proth. Pd. 125.00

Sheriff _____



Daniel G. Schmieg
Attorney for Plaintiff

Address: BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879
BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879
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

DESCRIPTION

ALL THAT CERTAIN lot or piece of land situate in the Township of Cooper, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a stake in right of way line of Township Road No. T-720 and the Northeast corner of Lot No. 43, the property of Hilma Lundquist; thence along said Lot No. 43, North eighty-five degrees forty-nine minutes West (N 85° 49' W), a distance of one hundred twenty-five (125) feet to a stake; thence still by the lands of Hilma Lundquist Lot No. 105, from which this is a port, North five degrees fifty-three minutes East (N 5° 53' E), a distance of one hundred (100) feet to a stake; thence still by line same lands of Hilma Lundquist, South eighty-five degrees forty-nine minutes East (S 85° 49' E), a distance of one hundred twenty-five (125) feet to a stake in right of way line of Township Road, No. T-720; thence along said right of way line of South five degrees fifty-three minutes West (S 5° 53' W), a distance of one hundred (100) feet to a stake and the place of beginning.

THIS piece of land continuing .0287 acres, as shown on Plan and Map prepared by Bernard Lucas Associates.

Tax Map #110-S9-187.1

TITLE TO SAID PREMISES IS VESTED IN Paul A. Kolesar, Jr. and Kristine J. Kolesar, as joint tenants with the right of survivorship by reason of the following:

BEING THE SAME premises which Joan L. Houser by Deed dated 3/12/1996 and recorded on 3/22/1996 in the County of Clearfield in Record Book Volume 1745 Page 178, conveyed unto Joan L. Houser and Paul A. Kolesar, Jr. and Kristine J. Kolesar, as joint tenants with the right of survivorship.

AND THE SAID Joan L. Houser has since departed this life on the 9th day of January, A.D. 2004 whereby title to said premises became vested in Paul A. Kolesar, Jr. and Kristine J. Kolesar by right of survivorship.

Premises : Box 338 A/K/A 710 Birch Street, Winburne, PA 16879

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20080
NO: 04-1456-CD

PLAINTIFF: HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST, INC. ASSET BACKED PASS THROUGH CERTIFICATES SERIES 2003-HE-4

VS.

DEFENDANT: PAUL A. KOLESAR A/K/A PAUL A. KOLESAR JR. A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR AND KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS KOLESAR

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 01/07/2005

LEVY TAKEN 03/15/2005 @ 9:32 AM

POSTED 03/15/2005 @ 9:32 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 01/14/2006

DATE DEED FILED NOT SOLD

FILED
01/10/3564
JAN 16 2006
WM

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

03/15/2005 @ 9:32 AM SERVED PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR.

SERVED PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR, DEFENDANT, AT HIS RESIDNECE BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PENNSYLVANIA BY HANDING TO KRISTINE KOLESAR, WIFE/DEFENDANT

A TUE AND ATTESTED COPY OF THE ORIGINAL WIRT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

03/15/2005 @ 9:32 AM SERVED KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR

SERVED KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR, DEFENDANT, AT HER RESIDENCE BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PENNSYLVANIA BY HANDING TO KRISTINE J. KOLESAR,

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY AND BY MAKING KNOWN TO HER THE CONTENTS THEREOF.

@ SERVED

NOW, AUGUST 5, 2005 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE AND RETURN THE WRIT TO THE PROTHONOTARY'S OFFICE.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20080

NO: 04-1456-CD

PLAINTIFF: HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST, INC. ASSET BACKED PASS THROUGH CERTIFICATES SERIES 2003-HE-4

vs.

DEFENDANT: PAUL A. KOLESAR A/K/A PAUL A. KOLESAR JR. A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR AND KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS KOLESAR

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$222.95

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
by Antone Better-Augustine
Chester A. Hawkins
Sheriff

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR
CITIGROUP MORTGAGE LOAN TRUST, INC. ASSET
BACKED PASS THROUGH CERTIFICATES SERIES 2003-
HE-4

vs.

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR.
A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR
A/K/A KRIS KOLESAR
JOAN L. HOUSER A/K/A JOAN KOLESAR
(DEC'D)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 04-1456-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: **BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879**

(See legal description attached.)

Amount Due	<u>\$44,137.65</u>
Interest from 12/28/04 to Date of Sale (\$7.26 per diem)	\$ _____
Total	\$ _____ Plus costs as endorsed. <u>125.00</u> Prothonotary costs

Dated 1/7/05
(SEAL)

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By:  Deputy

KIO

Received January 7, 2005 @ 3:00 P.M.
Chestra H. Hause
by Amherst Butler - Asst. Sheriff

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

No. 04-1456-CD

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP
MORTGAGE LOAN TRUST, INC. ASSET BACKED PASS THROUGH
CERTIFICATES SERIES 2003-HE-4

vs.

PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A PAUL KOLESAR, JR. A/K/A PAUL KOLESAR
KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS KOLESAR

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt **\$44,137.65**

Int. from 12/28/04 _____
to Date of Sale (\$7.26 per diem)

Costs

Prothy. Pd. 125.00

Sheriff

Attorney for Plaintiff

Address: **BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879**
BOX 338 A/K/A 710 BIRCH STREET, WINBURNE, PA 16879
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

DESCRIPTION

ALL THAT CERTAIN lot or piece of land situate in the Township of Cooper, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a stake in right of way line of Township Road No. T-720 and the Northeast corner of Lot No. 43, the property of Hilma Lundquist; thence along said Lot No. 43, North eighty-five degrees forty-nine minutes West (N 85° 49' W), a distance of one hundred twenty-five (125) feet to a stake; thence still by the lands of Hilma Lundquist Lot No. 105, from which this is a port, North five degrees fifty-three minutes East (N 5° 53' E), a distance of one hundred (100) feet to a stake; thence still by line same lands of Hilma Lundquist, South eighty-five degrees forty-nine minutes East (S 85° 49' E), a distance of one hundred twenty-five (125) feet to a stake in right of way line of Township Road, No. T-720; thence along said right of way line of South five degrees fifty-three minutes West (S 5° 53' W), a distance of one hundred (100) feet to a stake and the place of beginning.

THIS piece of land containing .0287 acres, as shown on Plan and Map prepared by Bernard Lucas Associates.

Tax Map #110-S9-187.1

TITLE TO SAID PREMISES IS VESTED IN Paul A. Kolesar, Jr. and Kristine J. Kolesar, as joint tenants with the right of survivorship by reason of the following:

BEING THE SAME premises which Joan L. Houser by Deed dated 3/12/1996 and recorded on 3/22/1996 in the County of Clearfield in Record Book Volume 1745 Page 178, conveyed unto Joan L. Houser and Paul A. Kolesar, Jr. and Kristine J. Kolesar, as joint tenants with the right of survivorship.

AND THE SAID Joan L. Houser has since departed this life on the 9th day of January, A.D. 2004 whereby title to said premises became vested in Paul A. Kolesar, Jr. and Kristine J. Kolesar by right of survivorship.

Premises : Box 338 A/K/A 710 Birch Street, Winburne, PA 16879

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR.

NO. 04-1456-CD

NOW, January 14, 2006, 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 Paul A. Kolesar A/K/A Paul A. Kolesar Jr. A/K/A Paul Kolesar, Jr. A/K/A Paul Kolesar And Kristine J. Kolesar A/K/A Kristine Kolesar A/K/A Kris Kolesar 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	15.00
MILEAGE	16.20
LEVY	15.00
MILEAGE	16.20
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	5.55
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	20.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$222.95

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	44,137.65
INTEREST @ 7.2600	0.00
FROM TO	
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	
TOTAL DEBT AND INTEREST	\$44,177.65
COSTS:	
ADVERTISING	443.86
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	222.95
LEGAL JOURNAL COSTS	216.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,287.81

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

Federman and Phelan is now
Law Offices

PHELAN HALLINAN & SCHMIEG, LLP

One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Sandra.Cooper@fedphe.com

SANDRA COOPER
Judgment Department, Ext. 1258

Representing Lenders in
Pennsylvania and New Jersey

August 5, 2005

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

ATTENTION: CINDY (814) 765-5915

**Re: HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN
TRUST, INC. ASSET BACKED PASS TROUGH CERTIFICATES SERIES 2003-HE-4 v.
PAUL A. KOLESAR A/K/A PAUL A. KOLESAR, JR. A/K/A PAUL KOLESAR, JR. A/K/A
PAUL KOLESAR KRISTINE J. KOLESAR A/K/A KRISTINE KOLESAR A/K/A KRIS
KOLESAR PIZZA**

No. 04-1456-CD

BOX 338 A/K/A 710 BIRCH STREET, WINBURN, PA 16879

Please stay the Sheriff's Sale of the above referenced property, which is scheduled for
August 5, 2005, return the original writ of execution to the Prothonotary's office and refund any unused
money to our office.

Please be further advised that no consideration was reported to have been received by
our office.

Very truly yours,

Sandra Cooper

FILED

JAN 16 2006

William A. Shaw
Prothonotary/Clerk of Courts