

04-1580-CD
HSBC BANK USA, et al. vs. JEFFREY A. MOORE et al.

HSBC Bank et al vs Jeffrey Moore et al
2004-1580-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-3
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 04-1580-CD

Plaintiff

CLEARFIELD COUNTY

JEFFREY A. MOORE
TAMMY A. MOORE
140 STUMPTOWN ROAD
OSCEOLA MILLS, PA 16666

FILED

At 11:07 AM on Oct 8 2004
+cc to shfb

OCT 12 2004

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

William A. Shaw
Prothonotary

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. Meholic, 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-3
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

JEFFREY A. MOORE
TAMMY A. MOORE
140 STUMPTOWN ROAD
OSCEOLA MILLS, PA 16666

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

3. On 07/15/1999 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 Instrument # 199912909. 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 06/20/2004 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	\$41,642.84
Interest	1,867.60
05/20/2004 through 10/11/2004 (Per Diem \$12.88)	
Attorney's Fees	1,250.00
Cumulative Late Charges	61.77
07/20/1999 to 10/11/2004	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 45,372.21
Escrow	
Credit	0.00
Deficit	319.66
Subtotal	<u>\$ 319.66</u>
TOTAL	\$ 45,691.87

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 45,691.87, together with interest from 10/11/2004 at the rate of \$12.88 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

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

LEGAL DESCRIPTION

ALL THOSE CERTAIN PIECES OF GROUND SITUATE IN DECATUR TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

THE FIRST THEREOF: BEGINNING AT A POST; THENCE BY THE LAND NOW OR FORMERLY OF MARY ANN TAYLOR, SOUTH SEVENTY-SEVEN AND ONE-HALF DEGREES EAST (S 77 1/2 DEGREES E) ONE HUNDRED EIGHT-TWO FEET (182 FEET) TO A POST; THENCE BY THE LAND NOW OR FORMERLY OF JOHN CRAIN ESTATE NORTH FORTY-THREE DEGREES EAST (N 43 DEGREES E) THIRTY AND EIGHT TENTHS FEET (30.8 FEET) TO A POST; THENCE BY THE LAND NOW OR FORMERLY OF SUSAN TAYLOR NORTH FORTY-SEVEN DEGREES WEST (N 47 DEGREES W) ONE HUNDRED FIFTY-SEVEN FEET (157 FEET) TO A POST; THENCE BY THE ROAD LEADING FROM OSCEOLA TO PHILIPSBURG, SOUTH FORTH-THREE DEGREES WEST (S 43 DEGREES W) SIXTY-ONE AND SEVEN TENTHS FEET (61.7 FEET) TO A POST AND PLACE OF BEGINNING.

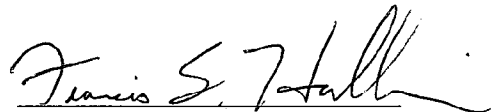
THE SECOND THEREOF: BEGINNING AT A POST ON THE ROAD LEADING FROM OSCEOLA TO PHILIPSBURG; THENCE ALONG SAID ROAD NORTH FORTY-THREE DEGREES EAST (N 43 DEGREES E) FORTY-EIGHT FEET (48 FEET) TO A POST; THENCE ALONG LAND NOW OR FORMERLY OF FREDRICK SHIELDS, SOUTH FORTY-SEVEN DEGREES EAST (S 47 DEGREES E) ONE HUNDRED FIFTY-SEVEN FEET (157 FEET) TO A POST; THENCE ALONG LAND NOW OR FORMERLY OF JOHN CRAIN ESTATE, SOUTH FORTY-THREE DEGREES WEST (S 43 DEGREES W) FORTY-EIGHT FEET (48 FEET) TO A POST; THENCE ALONG LAND NOW OR FORMERLY OF ANDREW TAYLOR NORTH FORTY-SEVEN DEGREES WEST (N 47 DEGREES W) ONE HUNDRED FIFTY-SEVEN FEET (157 FEET) TO A POST AND PLACE OF BEGINNING.

BEING NO. RR 1 BOX 508

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: 10-11-04

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

HSBC BANK USA, AS TRUSTEE IN TRUST FOR *
CITIGROUP MORTGAGE LOAN TRUST, INC., *
Plaintiffs *

vs. *

JEFFREY A. MOORE AND TAMMY A. MOORE, *
Defendants *

No. 04-1580-CD

TYPE OF CASE:
Civil Action - Law

TYPE OF PLEADING:
Praeipice for Entry of
Appearance

FILED ON BEHALF OF:
Defendants

COUNSEL OF RECORD FOR
THIS PARTY:
David R. Thompson, Esquire
Supreme Court I.D. No. 73053
Attorney at Law
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED

OCT 29 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC.,

Plaintiff

vs.

JEFFREY A. MOORE AND TAMMY A.
MOORE,

Defendant

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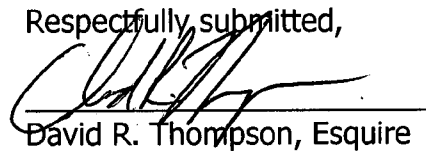
No.04-1580-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance in the above-captioned matter on behalf of the
Defendants, **JEFFREY A. MOORE AND TAMMY A. MOORE.**

Respectfully submitted,



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

HSBC BANK USA, AS TRUSTEE IN TRUST FOR	*	
CITIGROUP MORTGAGE LOAN TRUST, INC.,	*	No. 04-1580-CD
Plaintiffs	*	
	*	
vs.	*	TYPE OF CASE:
	*	Civil Action - Law
JEFFREY A. MOORE AND TAMMY A. MOORE,	*	
	*	
Defendants	*	

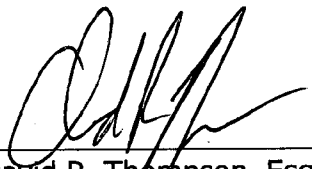
CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **PRAECIPE FOR ENTRY OF APPEARANCE**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

FEDERMAN AND PEHLAN, LLP
One Penn Center Plaza at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814

DATE:

BY: 
David R. Thompson, Esquire

In The Court of Common Pleas of Clearfield County, Pennsylvania

HSBC BANK USA

VS.

MOORE, JEFFREY A. & TAMMY A.

Sheriff Docket #

16424

04-1580-CD

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

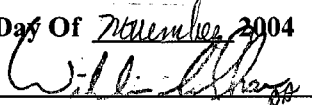
NOW OCTOBER 22, 2004 AT 11:57 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JEFFREY A. MOORE, DEFENDANT AT RESIDENCE, 140 STUMPTOWN ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JEFFREY A. MOORE TWO TRUE AND ATTESTED COPIES OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HIM THE CONTENTS THEREOF. THE ADDRESS OF RR#1 BOX 508, OSCEOLA MILLS, PA IS THE SAME ADDRESS.

NOW OCTOBER 22, 2004 AT 12:15 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TAMMY A. MOORE, DEFENDANT AT RESIDENCE, 135 BLUE SPRUCE ROAD, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TAMMY A. MOORE TWO TRUE AND ATTESTED COPIES OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN TO HER THE CONTENTS THEREOF.


Return Costs

Cost	Description
63.37	SHERIFF HAWKINS PAID BY: ATTY CK# 381888
40.00	SURCHARGE PAID BY: ATTY

Sworn to Before Me This

2 Day Of November 2004


So Answers,


Chester A. Hawkins
Sheriff

FILED

EGK

NOV 02 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC.,

Plaintiff

VS.

JEFFREY A. MOORE AND TAMMY A.
MOORE

Defendants

[illegible]

No. 04-1580-CD

TYPE OF CASE:
Civil Matter

TYPE OF PLEADING:
Answer to Complaint in
Mortgage Foreclosure Containing
New Matter

FILED ON BEHALF OF:
Defendants

**COUNSEL OF RECORD FOR
THIS PARTY:**
David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED 2cc
Att'y Thompson
OK 01/14/2005
JAN 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC.,

Plaintiff

vs.

JEFFREY A. MOORE AND TAMMY A.
MOORE

Defendants

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No. 04-1580-CD

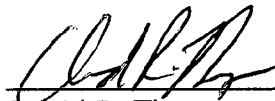
NOTICE TO PLEAD

TO FEDERMAN & PHELAN, ATTORNEY FOR PLAINTIFF:

You are hereby notified to file a written response to the enclosed New Matter within
twenty (20) days from service hereof or a Default Judgment may be entered against you.

DATE: 1-14-05

By:



David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC.,

Plaintiff

vs.

JEFFREY A. MOORE AND TAMMY A.
MOORE

Defendants

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No. 04-1580-CD

***ANSWER TO COMPLAINT IN MORTGAGE FORECLOSURE
CONTAINING NEW MATTER***

AND NOW, comes the Defendants, Jeffrey A. Moore and Tammy A. Moore by and through their attorney, David R. Thompson, Esquire and files the following Answer to Complaint in Mortgage Foreclosure:

1. Admitted

2. Admitted

3. Admitted in part and denied in part. It is admitted that the Defendants made, executed, and delivered a mortgage upon the premises. The same was recorded where indicated in the Recorder's Office of Clearfield County. As to whether the Plaintiff is now the legal owner of the mortgage, after reasonable investigation, Defendants are without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.

4. Admitted.

5. Denied. Paragraph 5 is specifically denied. By way of further pleading, Defendants made their payments due under the mortgage in question. Additionally, Defendants maintained and complied with all requirements under the terms and conditions of said mortgage. Strict proof to the contrary is demanded at the time of trial.

6. Denied. Paragraph 6 is specifically denied due to the fact that the Defendants are not in default of the said mortgage.

7. Defendants deny that Plaintiff is entitled to any attorney's fees in this matter, due to the fact that Defendants are not in default of said mortgage.

8. Admitted.

9. Denied. Paragraph 9 is specifically denied in that the mortgaged premises is the principal residence of Defendants.

WHEREFORE, Defendants respectfully request this Honorable Court to enter judgment in their favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice.

NEW MATTER

Paragraphs 1 through 9 of Defendants' Answer are incorporated by reference as though the same were set forth at length herein.

10. It is believed and therefore averred that the Mortgage Company alleges that the premises was uninsured, causing a default of the mortgage.

11. At no time was the Defendants' premises uninsured. By way of further pleading, when Plaintiff requested proof of insurance, the same was provided by Defendants' insurance company as instructed by Plaintiff.

12. After Plaintiff alleged default in this matter, Defendants continued to provide

proof of the insurance and continued to make payments when due. By way of further pleading, all payments were refused by Plaintiff.

13. All information requested by Plaintiff regarding insurance has been provided to Plaintiff in a timely manner.

14. Defendants' counsel filed and served a Praecipe for Entry of Appearance in this matter on October 28, 2004 and specifically informed Plaintiff's counsel of representation by correspondence of that same date. (A true and correct copy of said correspondence and Certificate of Service is attached hereto and marked as Exhibit "A").

15. After receiving correspondence from Defendants' counsel, Plaintiff's representatives contacted said counsel on December 3, 2004, for purposes of requesting more time to answer inquiries regarding the matter, which acknowledged said counsel's representation of Defendants. (A true and correct copy of said correspondence is attached hereto and marked as Exhibit "B").

16. Plaintiff's counsel again sent correspondence to Defendants' counsel regarding the above inquiries on January 4, 2005. (A true and correct copy of said correspondence is attached hereto and marked as Exhibit "C").

17. On January 5, 2005, Plaintiff's counsel mailed an Important Notice to Defendants, (not Defendants' counsel), indicating their intention to take a default judgment against Defendants. This occurred after Defendants' counsel entered his appearance and had corresponded with Plaintiff's counsel on three occasions. This included service of a Praecipe for entry of Appearance. (A true and correct copy of said notice is attached hereto and marked as Exhibit "D").

18. Defendants believe Plaintiff's conduct is egregious warranting the payment of Defendants' attorney fees.

19. Defendants are paying said counsel at a rate of \$100.00 per hour to defend this action.

20. Defendants plead any viable claims or defenses against Plaintiff under the Unfair Trade Practice and Consumer Protection Law.

WHEREFORE, Defendants respectfully request this Honorable Court to enter judgment in their favor and against Plaintiff, dismissing the Complaint with prejudice; ordering Plaintiff to pay the attorney's fees of Defendants; and any other relief the Court deems appropriate.

Respectfully submitted,

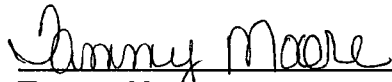
A handwritten signature in black ink, appearing to read 'David R. Thompson', is written over the typed name.

David R. Thompson, Esquire
Attorney for Defendants

VERIFICATION

I certify that the facts set forth in the foregoing **ANSWER TO COMPLAINT FOR MORTGAGE FORECLOSURE** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 1-14-05



Tammy Moore



DAVID R. THOMPSON
ATTORNEY AT LAW

P.O. Box 587
308 Walton Street, Ste. 4
Philipsburg, PA 16866
Phone: 814-342-4100 Fax: 814-342-7081
e-mail: drtlaw@hotmail.com

October 28, 2004

FEDERMAN AND PEHLAN, LLP
One Penn Center Plaza at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814

Re: CitiGroup Mortgage Loan Trust, Inc. vs. Moore
No. 04-1580-CD

To Whom It May Concern:

Please be advised that I represent Jeffrey A. Moore and Tammy A. Moore regarding the above referenced matter. They have provided me a copy of the Complaint filed against them for closing upon property located in Decatur Township, Clearfield County, Pennsylvania. Please be advised that my clients dispute the validity of the debt and are requesting written verification of the debt. Specifically, the Complaint alleges that payments were not made from June 2004 forward. My client has provided copies of cashed checks by your client indicating receipt of payments for June, July and August, 2004. Additionally, September and October, 2004 payments were mailed back to them.

It would be appreciated if this information can be provided to me as soon as possible. I will be entering an appearance in this matter. It is my understanding that this Complaint was served upon Mr. Moore on October 22, 2004. If I do not receive verification prior to the 20 day period, I will file an Answer denying the requested relief.

I look forward to hearing back from you.

Very truly yours,

David R. Thompson, Esquire
THOMPSON LAW OFFICE

DRT:jlr

cc: Jeffrey A. Moore and Tammy A. Moore

" A "

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

HSBC BANK USA, AS TRUSTEE IN TRUST FOR *
CITIGROUP MORTGAGE LOAN TRUST, INC., *
Plaintiffs *

vs. *

JEFFREY A. MOORE AND TAMMY A. MOORE, *
Defendants *

No. 04-1580-CD

TYPE OF CASE:
Civil Action - Law

TYPE OF PLEADING:
Praecipe for Entry of
Appearance

FILED ON BEHALF OF:
Defendants

COUNSEL OF RECORD FOR
THIS PARTY:
David R. Thompson, Esquire
Supreme Court I.D. No. 73053
Attorney at Law
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC.,

Plaintiff

vs.

JEFFREY A. MOORE AND TAMMY A.
MOORE,

Defendant

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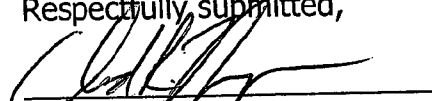
No.04-1580-CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance in the above-captioned matter on behalf of the
Defendants, **JEFFREY A. MOORE AND TAMMY A. MOORE.**

Respectfully submitted,


David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

HSBC BANK USA, AS TRUSTEE IN TRUST FOR *
CITIGROUP MORTGAGE LOAN TRUST, INC., *
Plaintiffs *

No. 04-1580-CD

vs.

TYPE OF CASE:
Civil Action - Law

JEFFREY A. MOORE AND TAMMY A. MOORE, *

Defendants *

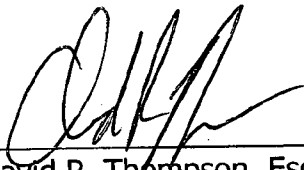
CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **PRAECIPE FOR ENTRY OF APPEARANCE**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

FEDERMAN AND PEHLAN, LLP
One Penn Center Plaza at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814

DATE: 10-28-04

BY: 
David R. Thompson, Esquire

One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Phone: (215) 563-7000 ext.1351
Fax: (215) 563-4491
maureen.berner@fedphc.com

Federman & Phelan, L.L.P.*

Fax

ATTN: David R. Thompson, Esquire

From: Maureen Berner, Legal Assistant

CO:

Date: December 3, 2004

RE: Moore

Pages: 1

FAX NO: (814)342-7081

CC:

- **Comments:**

This fax is with regard to two phone messages I have left for you. We are still in the works of receiving and reviewing the documents necessary to respond to your FDCPA request. We are currently requesting a thirty-day extension to respond to your letter, as we will not proceed with our case until we have responded. If we do not hear from you we will assume our extension has been generously granted.

If you have any questions or concerns, please feel free to contact me.

"B"

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



JAN 5 2005

**Federman and Phelan is now
PHELAN HALLINAN & SCHMIEG**

One Penn Center at Suburban Station
1617 J.F.K. Blvd., Suite 1400
Philadelphia, PA 19103-1814
215-563-7000

Fax: 215-563-4491

Email: sheetal.shahjani@fedphe.com

Sheetal R. Shah-Jani, Esquire
Litigation Department, Ext. 1289

Representing Lenders in
Pennsylvania and New Jersey*

January 4, 2005

David R. Thompson, Esquire
308 Walton Street, Suite 4
P.O. Box 28
Philipsburg, PA 16866

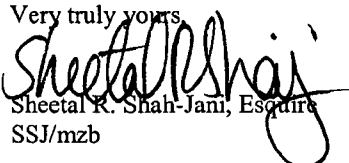
Re: HSBC Bank vs. Jeffery and Tammy Moore
Clearfield County CCP, No. 04-1580-CD

Dear Mr. Wolf,

This letter is in response to your request for verification of the validity of the mortgage debt in the above-referenced mortgage foreclosure action. Kindly be advised that Plaintiff is seeking the sum of \$45,691.87 plus interest from 10/11/04 at the rate of \$12.88 per diem to the date of judgment, plus other costs and charges collectible under the mortgage. These amounts are due because of the default and the subsequent acceleration of the debt. Attached please find a true and correct copy of the Plaintiff's the loan history on your client's loan. All proper payments tendered by your clients were posted on the loan. Please also note that this is a daily simple interest loan.

Kindly be advised that Defendants have the right to bring their loan current up until one hour before a scheduled Sheriff's Sale in order to avoid foreclosure. Should you require a reinstatement amount, please contact Michael Thurman of this office at extension 1294. Please be advised that our office is proceeding with the foreclosure action. However, if you need more information on this account, kindly contact our office.

Very truly yours,


Sheetal R. Shah-Jani, Esquire
SSJ/mzb

cc: Thavy Yin, Wells Fargo Home Mortgage, via Vendorscape

- Please be advised that this firm is a debt collector attempting to collect a debt. Any information received will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of lien against property.

" C "

PHELAN, HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
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.,
ASSET BACKED PASS THROUGH CERTIFICATES : CIVIL DIVISION
SERIES 2003-HE-3

Plaintiff : CLEARFIELD COUNTY

Vs. : NO. 04-1580-CD

JEFFREY A. MOORE
TAMMY A. MOORE

Defendants

TO: JEFFREY A. MOORE
RRI BOX 508 A/K/A 140 STUMPTOWN ROAD
OSCEOLA MILLS, PA 16666

DATE OF NOTICE: JANUARY 5, 2005

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

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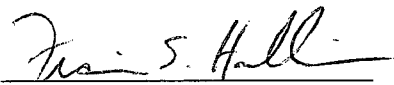
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

" 0 "


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC.,

Plaintiff

vs.

JEFFREY A. MOORE AND TAMMY A.
MOORE

Defendants

Defendant

No. 04-1580-CD

TYPE OF CASE:
Civil Action - Law

TYPE OF PLEADING:
Certificate of Service

FILED ON BEHALF OF:
Defendants

COUNSEL OF RECORD FOR
THIS PARTY:
David R. Thompson, Esquire
Attorney at Law
Supreme Court 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED *No CC*

OK *01/12/05*
JAN 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

HSBC BANK USA, AS TRUSTEE IN
TRUST FOR CITIGROUP MORTGAGE
LOAN TRUST, INC.,

Plaintiff

vs.

JEFFREY A. MOORE AND TAMMY A.
MOORE

Defendants

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*
*

No. 04-1580-CD

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of **ANSWER TO COMPLAINT IN MORTGAGE FORECLOSURE**, in the above captioned matter on the following by Prepaid, First Class, United States Mail:

FEDERMAN & PHELAN
One Penn Center Plaza at Suburban Station
Suite 1400
Philadelphia PA 19103-1814

DATE: 1-14-05

BY:



David R. Thompson, Esquire

*PHELAN HALLINAN & SCHMIEG, LLP

BY: Jenine R. Davey, Esquire

Identification No.: 87077

One Penn Center at Suburban Station, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Attorney for Plaintiff

HSBS Bank USA, as Trustee in Trust for
Citigroup Mortgage Loan Trust, Inc. Asset
Backed PAss Through Certificates Series
2003-HE-3

Plaintiff

vs.

Jeffrey A. Moore and Tammy A. Moore

Defendants

COURT OF COMMON PLEAS

Clearfield County
CIVIL DIVISION

No. 04-1580-CD

FILED

FEB 08 2005

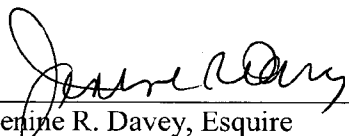
William A. Shaw
Prothonotary
no c/c

CERTIFICATION OF SERVICE

I certify that a true and correct copy of Plaintiff's Reply to Defendants' New Matter was sent via
first class mail to the person listed below on the date indicated:

David R. Thompson, Esquire
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg, PA 16866

Date: February 7, 2005


Jenine R. Davey, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
BY: Jenine R. Davey, Esquire
Identification No.: 87077
One Penn Center at Suburban Station, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

HSBS Bank USA, as Trustee in Trust for
Citigroup Mortgage Loan Trust, Inc. Asset
Backed PAss Through Certificates Series
2003-HE-3

Plaintiff

vs.

Jeffrey A. Moore and Tammy A. Moore
Defendants

COURT OF COMMON PLEAS

FILED

Clearfield County
CIVIL DIVISION

FEB 08 2005

(R)

W/ 11:30 (W)
William A. Shaw
Prothonotary
mo l c/c

No. 04-1580-CD

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

PLAINTIFF'S REPLY TO DEFENDANTS' NEW MATTER

Plaintiff incorporates herein by reference the averments of paragraphs one (1) through nine (9) of its Complaint as if set forth herein at length.

10-13. Denied. The averments of paragraphs ten (10) through thirteen (13) are denied as conclusions of law to which no response is required. By way of further response, pursuant to the terms of the mortgage, Plaintiff has the right to protect its collateral and place insurance on the property. The loan remains due for the June 20, 2004 mortgage payment and each month thereafter. Defendants have attached no proof in support of their allegations. Strict proof thereof is demand at time of trial.

14. Denied. The Praecipe for Entry of Appearance is a document in writing, therefore no characterization thereof is required.

15. Admitted.

16. Admitted.

17. Denied. By way of further response, notice of Plaintiff's intention to enter default judgment was sent to both Defendants and their counsel as required by the Pennsylvania Rules of Civil Procedure. A true and correct copy of the notice of intention to enter default judgment is attached hereto, made part hereof and marked as Exhibit A.

18. Denied. The averments of paragraph eighteen (18) are denied as conclusions of law to which no response is required.

19. Denied. After reasonable investigation, Plaintiff is without information sufficient to form a belief as to the truth of the averments contained in paragraph nineteen (19).

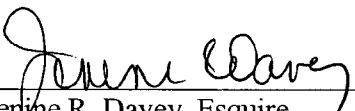
20. Denied. The averments of paragraph twenty (20) are denied as conclusions of law to which no response is required.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in its favor and against Defendants as requested in Plaintiff's Complaint.

Respectfully submitted,
PHELAN HALLINAN & SCHMIEG, LLP

Date: February 7, 2005

BY:


Jerine R. Davey, Esquire
Attorney for Plaintiff

PHELAN, HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
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.,
ASSET BACKED PASS THROUGH CERTIFICATES : CIVIL DIVISION
SERIES 2003-HE-3

Plaintiff : CLEARFIELD COUNTY

Vs. : NO. 04-1580-CD

JEFFREY A. MOORE
TAMMY A. MOORE

Defendants

FILE COPY

TO: JEFFREY A. MOORE
RRI BOX 508 A/K/A 140 STUMPTOWN ROAD
OSCEOLA MILLS, PA 16666

DATE OF NOTICE: JANUARY 19, 2005

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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

CC: DAVID R. THOMPSON, ESQUIRE

PHELAN, HALLINAN AND SCHMIEG

By: Lawrence T. Phelan, Esq., Id. No. 32227

Francis S. Hallinan, Esq., Id. No. 62695

Daniel G. Schmieg, Esq., Id. No. 62205

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.,

ASSET BACKED PASS THROUGH CERTIFICATES : CIVIL DIVISION

SERIES 2003-HE-3

Plaintiff

: CLEARFIELD COUNTY

Vs.

: NO. 04-1580-CD

JEFFREY A. MOORE

TAMMY A. MOORE

Defendants

TO: TAMMY A. MOORE
135 BLUE SPRUCE ROAD
PHILLIPSBURG PA 16866

FILE COPY

DATE OF NOTICE: JANUARY 19, 2005

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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
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CLEARFIELD COUNTY COURTHOUSE
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HARRISBURG, PA 17108
800-692-7375

FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

CC: DAVID R. THOMPSON, ESQUIRE

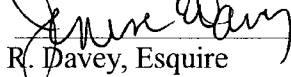
VERIFICATION

Jenine R. Davey, Esquire, hereby states that she is the attorney for the Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Reply to New Matter are true and correct to the best of her knowledge, information and belief.

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

PHELAN HALLINAN & SCHMIEG, LLP

Date: February 7, 2005

BY: 
Jenine R. Davey, Esquire
Attorney for Plaintiff
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102-1799
(215) 563-7000

PHELAN HALLINAN & SCHMIEG, LLP

Lawrence T. Phelan, Esq., Id. No. 32227

Francis S. Hallinan, Esq., Id. No. 62695

Daniel G. Schmieg, Esq., Id No.

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

HSBC Bank USA, as Trustee in Trust for

Citigroup Mortgage Loan Trust, Inc., Asset

Backed Pass through certificates series 2003-HE-3

ATTORNEY FOR PLAINTIFF

Plaintiff

vs.

Jeffrey A. Moore

Tammy A. Moore

Defendant(s)

: Court of Common Pleas
: Civil Division

: Clearfield County
: No. 04-1580 CD

PRAECIPE

TO THE PROTHONOTARY:

FILED *NO CC*
m/3-3961
JUL 15 2005 *Cert. of*
Disc. to Atty
William A. Shaw
Prothonotary/Clerk of Courts *Copy to CIA*

☒ Please mark the above referenced case Discontinued and Ended without prejudice.

☐ Please mark the above referenced case Settled, Discontinued and Ended.

☐ Please mark Judgments satisfied and the Action settled, discontinued and ended.

☐ Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

☐ Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date: 7/12/05



Francis S. Hallinan
Attorney for Plaintiff

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

 **COPY**

CIVIL DIVISION

**HSBC Bank USA
Citigroup Mortgage Loan Trust, Inc.**

Vs.

No. 2004-01580-CD

**Jeffrey A. Moore
Tammy A. Moore**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 15, 2005, marked:

Discontinued and Ended without Prejudice

Record costs in the sum of \$85.00 have been paid in full by Phelan, Hallinan & Schmieg, LLP.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of July A.D. 2005.

William A. Shaw, Prothonotary