

04-1878-CD
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. vs.
VINCENT J. DIFUCCIA, et al.

**Netbank vs Vincent Difuccia
2004-1878-CD**

FEDERMAN PHELAN, LLP
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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

NO. 04-1878-CD

VINCENT J. DIFUCCIA, III
A/K/A VINCENT JAMES DIFUCCIA
A/K/A JAMIE DIFUCCIA
419 FIRST STREET
DU BOIS, PA 15801

CLEARFIELD COUNTY

Defendant

FILED ^{1CC}
M/11/30/04 Sheriff
NOV 30 2004 Atty pd. 8508

William A. Shaw
Prothonotary/Clerk of Courts

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.

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

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

VINCENT J. DIFUCCIA, III
A/K/A VINCENT JAMES DIFUCCIA
A/K/A JAMIE DIFUCCIA
419 FIRST STREET
DU BOIS, PA 15801

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

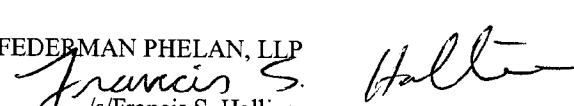
3. On 07/02/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book No. 2002, Page: 10685.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/01/2004 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	\$60,802.49
Interest	1,836.16
07/01/2004 through 11/29/2004	
(Per Diem \$12.08)	
Attorney's Fees	1,250.00
Cumulative Late Charges	105.75
07/02/2002 to 11/29/2004	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 64,544.40
Escrow	
Credit	0.00
Deficit	1,184.12
Subtotal	<u>\$ 1,184.12</u>
TOTAL	\$ 65,728.52

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 \$ 65,728.52, together with interest from 11/29/2004 at the rate of \$12.08 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 PHELAN, LLP
 By: Francis S. Hallinan 
 LAWRENCE T. PHELAN, ESQUIRE
 FRANCIS S. HALLINAN, ESQUIRE
 Attorneys for Plaintiff

LEGAL DESCRIPTION

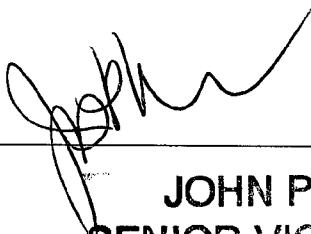
All that certain lot or piece of ground with the buildings and improvements thereon erected, being known as 419 FIRST STREET DU BOIS, PA 15801 and being further described on that certain Deed dated 11/20/1996 and recorded 11/25/1996 in the Office of the Recorder of Deeds in CLEARFIELD County in Deed Book No. 1805, Page 295.

Parcel No. (028-000-09495)

BEING known as 419 FIRST STREET

VERIFICATION

JOHN P. MARECKI hereby states that he/she is ~~the President~~ of ~~Firstar Bank~~
mortgage servicing agent for Plaintiff in this matter, that he/she is authorized to take this
Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure
are true and correct to the best of his/her knowledge, information and belief. The undersigned
understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to
unsworn falsification to authorities.



JOHN P. MARECKI
SENIOR VICE PRESIDENT

DATE: 11/24/04

PHELAN HALLINAN & SCHMIEG, LLP

By: Lawrence T. Phelan, Esquire I.D. No. 32227
Francis S. Hallinan, Esquire I.D. No. 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

Plaintiff

vs.

**Court of Common Pleas
CLEARFIELD County
No. 04-1878-CD**

**VINCENT J. DIFUCCIA, III,
A/K/A VINCENT JAMES DIFUCCIA, A/K/A JAMIE DIFUCCIA**

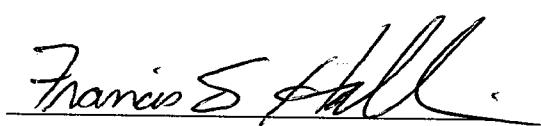
Defendant(s)

**PRAECIPE TO WITHDRAW COMPLAINT, WITHOUT PREJUDICE,
AND DISCONTINUE AND END**

TO THE PROTHONOTARY:

Kindly withdraw the complaint filed in the instant matter, without prejudice, and mark this case discontinued and ended, upon payment of your costs only.

12/30/04
Date


Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Attorneys for Plaintiff

FILED No
cc
m/13/2005
JAN 05 2005 copy to
CJA
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100031
NO: 04-1878-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
vs.

DEFENDANT: VINCENT J. DIFUCCIA, III a/k/a VINCENT JAMES DIFUCCIA a/k/a JAMIE DIFUCCIA

SHERIFF RETURN

NOW, December 30, 2004 AT 12:20 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON VINCENT J. DIFUCCIA III aka VINCENT JAMES DIFUCCIA DEFENDANT AT 419 First St., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KRISTIN BONANTE, OCCUPANT/RENTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
d/9/40/04
JAN 27 2005

CLERK'S OFFICE
CLEARFIELD COUNTY COURT

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	FEDERMAN	390715	10.00
SHERIFF HAWKINS	FEDERMAN	390763	60.75

Sworn to Before Me This

____ Day of _____ 2005

So Answers,

*Chester A. Hawkins
Sgt. Marilyn Harman*
Chester A. Hawkins
Sheriff