

05-92-CD

Bank One et al vs. E. Tripp et al

et al. vs. EUGENE W. TRIPP, et al.

Bank One v. Eugene Tripp et al
2005-092-CD

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein / I.D. No. 53002
Kristen D. Little / I.D. No. 79992
Kevin P. Diskin / I.D. No. 86727
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

FILED
File No. 05-12007
Loan No. 4000918963
M 10:55 AM 22 CT Mif
PL 85-14
JAN 21 2005

William A. Shaw
Prothonotary

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-C.D

CIVIL ACTION -- 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.

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE (20) DIAS DE PLAZO A PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. USTED DEBE PRESENTAR UNA APARIENCIA ESCRITA O EN PERSONA O POR ABOGADO Y ARCHIVAR EN LA CORTE SUS DEFENSAS O SUS OBJECCIONES A LAS DEMANDAS ENCONTRADA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE ENTRAR UNA ORDEN CONTRA USTED SIN PREVIO AVISO O NOTIFICACION O POR CUALQUIER QUEJA O ALIVIO QUE ESPEDIDO EN LA PETICION DE DEMANDA. USTED PUEDE PERDER DINERO, SUS PROPIEDADES O OTROS DERECHOS IMPORTANTES PARA USTED.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE PARA PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE USTED PUEDE CONSEGUIR ASISTENCIA LEGAL.

Lawyer Referral Service
Pennsylvania Lawyer Referral Service
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Lawyer Referral Service
Pennsylvania Lawyer Referral Service
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

**NOTICE REQUIRED UNDER THE FAIR
DEBT COLLECTION PRACTICES ACT,
15 U.S.C. § 1601 (AS AMENDED) AND
THE PENNSYLVANIA UNFAIR TRADE PRACTICES
ACT AND CONSUMER PROTECTION LAW,
73 PA. CON. STAT. ANN. § 201, *ET SEQ.* ("THE ACTS")**

To the extent the Acts may apply, please be advised of the following:

1. The amount of the original debt is stated in the Complaint attached hereto.
2. The Plaintiff who is named in the attached Complaint and/or its loan servicing agents are Creditors to whom the debt is owed.
3. The debt described in the Complaint attached hereto and evidenced by the copies of the mortgage and note will be assumed to be valid by the Creditor's law firm, unless the Debtors/Mortgagors, within thirty days after receipt of this notice, dispute, in writing, the validity of the debt or some portion thereof.
4. If the Debtors/Mortgagors notify the Creditor's law firm in writing within thirty days of the receipt of this notice that the debt or any portion thereof is disputed, the Creditor's law firm will obtain verification of the debt and a copy of the verification will be mailed to the Debtor by the Creditor's law firm.
5. If the Creditor who is named as Plaintiff in the attached Complaint is not the original Creditor, and if the Debtor/Mortgagor makes written request to the Creditor's law firm within thirty days from the receipt of this notice, the name and address of the original Creditor will be mailed to the Debtor by the Creditor's law firm.
6. Written request should be addressed to:

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Attention: Kristen D. Little, Esquire
425 Commerce Drive, Suite 100
Fort Washington, PA 19034

* **THIS LETTER MAY BE CONSTRUED AS AN ATTEMPT TO COLLECT A DEBT
AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

CIVIL ACTION -- COMPLAINT IN MORTGAGE FORECLOSURE

1. (a) The Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, is the holder of a mortgage as below described.

(b) Select Portfolio Servicing, Inc., is a Corporation having been organized under the laws of the State of Utah and having its principal place of business at 3815 South West Temple, Salt Lake City, UT 84115.

(c) Select Portfolio Servicing, Inc., is the loan servicing agent for Plaintiff, maintaining the business records for the Plaintiff/ Mortgagee in the ordinary course and scope of business

2. (a) Defendant Eugene W. Tripp is an individual whose last known address is Box 108 Clover Hill Road, Mineral Springs, PA 16855.

(b) Defendant Gloria K. Tripp is an individual whose last known address is Box 108 Clover Hill Road, Mineral Springs, PA 16855.

(c) Defendant Eugene W. Tripp holds an interest in the subject property as both a Real Owner and Mortgagor.

(d) Defendant Gloria K. Tripp holds an interest in the subject property as both a Real Owner and Mortgagor.

(e) If either of the above named Defendants are deceased, this action shall proceed against the deceased Defendant's heirs, assigns, successors, administrators, personal representatives and/or executors through their estate whether the estate is probated.

3. (a) The residential mortgage being foreclosed upon is secured by property located at Box 108 Clover Hill Road, within the Township of Bradford, Clearfield County, Pennsylvania.

(b) All documents evidencing the residential mortgage have been recorded in the Recorder of Deeds' Office in Clearfield County, Pennsylvania.

(c) The Mortgage was executed on March 27, 2001 and was recorded on April 2, 2001, in Mortgage Book Docket ID# 200104493.

(d) The legal description for this parcel is attached and incorporated as Exhibit "A" (Mortgaged Premises).

(e) The herein named Plaintiff has standing to bring the instant action by virtue of Assignments of Mortgage, duly and publicly recorded as below:

Assignor: CIT Group Consumer Finance Company
Assignee: Bank One, National Association
Recording Date: June 25, 2001
Docket ID#: 200214268

(f) By virtue of Pennsylvania Rules of Civil Procedure Rule 1147 (1) and 1019(g), and on the basis of environmental responsibility, Plaintiff is not obliged to append copies of the above mentioned publicly recorded documents to this mortgage foreclosure action. These documents are, however, appended hereto and incorporated herein by reference as Exhibit "B".

4. The mortgage is in default because the Defendants above named failed to timely tender the monthly payment of \$290.74 on May 15, 2004, and thereafter failed to make the monthly payments.

5. As authorized under the mortgage instrument, the loan obligation has been accelerated.

6. Plaintiff seeks entry of judgment *in rem* on the following sums:

(a)	Principal balance of mortgage due and owing	\$25,496.87
(b)	Interest due and owing at the rate of 9.300% calculated from the default date above stated through January 31, 2005	1,174.09
	Interest will continue to accrue at the per diem rate of \$6.50 through the date on which judgment <i>in rem</i> is entered in Plaintiff's favor.	
(c)	Late Charges due and owing under the Note in accordance with the Mortgage Instrument	87.24
(d)	Escrow Advances made by Plaintiff Mortgagee on behalf of Defendant mortgage account	1,620.64
(e)	Court Costs and fees as recoverable under the mortgage terms, estimated	300.00
(f)	Attorneys' fees Calculated as 5% of the principal balance due, in accordance with the mortgage terms	1,274.84
TOTAL <i>IN REM</i> JUDGMENT SOUGHT BY PLAINTIFF		\$29,953.68

7. (a) The attorneys' fees set forth as recoverable at Paragraph 6(f) are in conformity with Pennsylvania law and the terms of the mortgage, and will be collected in the event of a third-party purchaser at a Sheriff's Sale only.

(b) If the mortgage arrears are to be reinstated or paid-off prior to the Sheriff's Sale, Plaintiff's actual attorneys' fees (calculated at counsel's hourly rate) will be charged based upon work actually performed.

8. (a) The original principal balance of the Mortgage is less than Fifty Thousand (\$50,000.00) Dollars.

(b) Under ACT 6, 41 P.S. §101, *et seq.*, Plaintiff Mortgagee is obliged to serve Notice of its Intention to Accelerate the Mortgage by certified mailing prior to its instituting foreclosure proceedings.

(c) Appended hereto and incorporated herein by reference as Exhibit "C" are copies of the Notices required, having been sent on the date set forth on the Notice.

9. (a) The subject mortgage is governed by ACT 91 of 1983 35 P.S. § 1840.401C, *et seq.*

(b) Under Pennsylvania's ACT 91, Plaintiff Mortgagee is obligated to serve the Defendants with notice of their rights under the "Homeowners Emergency Mortgage Assistance Program", by regular mailing, prior to initiating foreclosure proceedings.

(c) Appended hereto and incorporated herein by reference as Exhibit "C" are copies of the Notices required, having been sent on the date set forth on the Notice.

(d) The Defendants has failed to make a timely application for financial assistance with the Pennsylvania Housing Finance Agency.

WHEREFORE, the Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, respectfully requests:

- Entry of judgment *in rem* against the Defendants above named in the total amount of \$29,953.68 as stated Paragraph 6, plus all additional interest and late charges accruing through date of judgment entry; and
- Foreclosure and Sheriff's Sale of the subject mortgaged property.

Respectfully Submitted,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein
Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

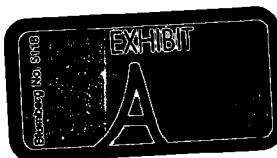
ALL THAT CERTAIN lot or parcel of land situate in Mineral Springs, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at and iron post on an unnamed street; thence by said unnamed street north nine (9) degrees twenty-five (25) minutes west one hundred sixteen (116) feet to an iron pin at the southwest corner of lot of Wade J. Schickling; thence by Wade J. Schickline lot north eighty-six (86) degrees fifty (50) minutes east one hundred nine and three-tenths (109.3) tenths feet to an iron pin on line of lot of Howard P. Oswald; thence by line of Howard P. Oswald south five(5) degrees east one hundred twenty-five (125) feet to an iron pin on the line of land of Ciara Jane Rothrock; thence by the same north eighty-seven (87) degrees forty-five (45) minutes west one hundred and five tenths (100.5) feet to an iron post at the southwestern corner of the parcel hereby conveyed and the place of beginning.

Commonly known as: Box 108 Clover Hill Road, Mineral Springs, PA 16855.

Title is vested in: Eugene Tripp and Gloria Tripp, by Deed from Eugene Tripp and Gloria Tripp, dated 09/30/1993, recorded 09/30/1993, book: 1559, page 452.

Tax Parcel #: 106-M9-625-27





I hereby certify that this is
a true and correct copy.

REAL PROPERTY MORTGAGE

NAMES AND ADDRESSES OF ALL MORTGAGORS:

**EUGENE TRIPP
GLORIA TRIPP**

**Mailing
Address**

**BOX108 CLOVER HILL ROAD RD
MINERAL SPRINGS, PA 16855**

MORTGAGEE:

**THE CIT GROUP/CONSUMER FINANCE, INC.
525 METRO PLACE NORTH
SUITE 275
DUBLIN, OH 43017**

LOAN NUMBER	DATE	Date Final Payment Due	PRINCIPAL BALANCE
35449107	03/27/01	04/15/16	\$ 28,167.30

**THE WORDS "I," "ME" AND "MY" REFER TO ALL MORTGAGORS ON THE NOTE SECURED BY
THIS MORTGAGE. THE WORDS "YOU" AND "YOUR" REFER TO MORTGAGEE.**

MORTGAGE OF REAL ESTATE - To secure payment of a note which I signed today promising to pay you the above Principal Balance together with interest thereon at the interest rate and in the manner set forth in the Note secured by this Mortgage (the "Note"), each of the undersigned grants, bargains, sells, alienates, enfeoffs, releases and confirms to you the real estate described below and all present and future improvements on the real estate, which is located in Pennsylvania, County of CLEARFIELD:

SEE ATTACHED LEGAL DESCRIPTION 'EXHIBIT A'

which has the address of BOX 108 CLOVER HILL ROAD, MINERAL SPRINGS
(Street) (City)

Pennsylvania 16855 (the "Premises").
Zip Code

TERMS AND CONDITIONS:

PAYMENT OF OBLIGATIONS - If I pay the Note according to its terms, and all others sums secured by this Mortgage, then this Mortgage will be null and void.

TAXES - LIENS - INSURANCE - MAINTENANCE - I will pay, when they are due and payable, all taxes, liens, assessments, obligations, water rates and any other charges against the Premises, whether superior or inferior to the lien of this Mortgage, maintain hazard insurance on the Premises in your favor in a form and amount satisfactory to you and maintain and keep the Premises in good repair at all times during the term of this Mortgage. You may, at your option, pay any such tax, lien, assessment, obligation, water rates, premium or other charge (including any charge for repair or maintenance) or purchase such insurance in your own name, if I fail to do so. The amount you pay will be due and payable to you on demand, shall bear interest at the interest rate set forth in the Note secured by this Mortgage if permitted by law or, if not, at the highest lawful interest rate, be added to the sum secured by this Mortgage and may be enforced and collected in the same manner as the other obligations secured by this Mortgage. The insurance carrier providing the insurance referred to above will be chosen by me subject to your approval which will not be unreasonably withheld. All insurance policies and renewals must be acceptable to you and must include a standard mortgage clause. You shall have the right to hold the policies and renewals. If you require, I will promptly give to you all receipts of paid premiums and renewal

SEE PAGES 2 AND 3 FOR ADDITIONAL IMPORTANT TERMS

03/26/01 16:10 1240981

2-1175A (1/01) Pennsylvania First Mortgage

Page 1 of 3

TRUE COPY - NOT AN ORIGINAL



notices. In the event of a loss, I will give prompt notice to the insurance carrier and you. You may, at your option, file a proof of loss if not filed promptly by me. You may, at your option, negotiate a settlement of any claims on my behalf. I hereby authorize and direct each insurance company concerned to make payment under such insurance, including premium refunds, directly to you instead of to me and you jointly, and hereby irrevocably appoint you my attorney in fact to endorse any draft therefor, and to sign any and all proofs of claim, releases, and all other documents related thereto. Insurance proceeds shall be applied to the restoration or repair of the property damaged or, at your option, the insurance proceeds shall be applied to the sums secured by this Mortgage, whether or not then due, with any excess paid to me.

CONDEMNATION - The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation (the taking of my property for a public use) or other taking of any part of the Premises, or for conveyance in lieu of condemnation, are hereby assigned and will be paid to you and are subject to the lien of and secured by this Mortgage. In the event of taking of the Premises, you are authorized to collect and apply the proceeds, at your option, either to the restoration or repair of the Premises or to the sums secured by this Mortgage, whether or not then due.

TITLE - The Premises were conveyed to me by a deed which is to be, or has been, recorded before this Mortgage, and I warrant the title to the Premises. I further warrant that the lien created by this Mortgage is a valid and enforceable first lien, subordinate only to easements and restrictions of record on the date of this Mortgage, and that during the entire term of the Note, such lien will not become subordinate to anything else.

DUE ON SALE OR ALTERATION - Except in those circumstances in which federal law otherwise provides, I will not, without your written consent, sell or transfer the Premises or alter, remove or demolish the buildings on the Premises.

DEFAULT - If I default in paying any part of the obligation secured by this Mortgage or if I default in any other way under the Note or this Mortgage, or under any other mortgage on the Premises, you, at your option and after the delivery of any notices required under law applicable to this Mortgage and the expiration of any time periods provided in such notices, may declare the entire obligation secured by this Mortgage due and payable without further demand and foreclose on this Mortgage. I agree to pay a reasonable attorney's fee plus court costs. If any money is left over after you foreclose on this Mortgage it will be paid to the persons legally entitled to it, but if any money is still owing, I agree to pay you the balance.

APPOINTMENT OF RECEIVER AND ASSIGNMENT OF RENTS - I agree that you are entitled to the appointment of a receiver in any action to foreclose on this Mortgage and you may also enter the Premises and take possession of them, rent them if the Premises are not already rented, receive all rents and apply them to the obligations secured by this Mortgage. I assign all rents to you but you agree that I may continue to collect the rents unless I am in default under this Mortgage or the Note.

RIGHTS CUMULATIVE - Your rights under this Mortgage will be separate, distinct and cumulative and none of them will be in exclusion of any other nor will any act of yours be considered as an election to proceed under any one provision of this Mortgage to the exclusion of any other provision.

EXTENSIONS AND MODIFICATION - Each of the persons signing this Mortgage agrees that no extension of time or other variation of any obligation secured by this Mortgage will affect any other obligations under this Mortgage.

NOTICES - I agree that any notice and demand may be given to me at the Mailing Address by mail, unless another method of delivery is legally required.

RELEASE - Upon payment of all sums secured by this Mortgage, you shall release the Premises from the lien of this instrument. I shall pay recording costs to the extent permitted by applicable law.

APPLICABLE LAW - This Mortgage is governed by applicable Pennsylvania and Federal law.

RECEIPT OF COPY - Each of the persons signing this Mortgage acknowledges receipt of a completed and signed copy of this Mortgage.

BINDING EFFECT - This Mortgage is binding on and inures to both you and my successors and assigns.

EUGENE TRIPP

SEE PAGES 1 AND 3 FOR ADDITIONAL IMPORTANT TERMS

03/20/01 16:10

1240981

2-1175B

Page 2 of 3

TRUE COPY - NOT AN ORIGINAL

C. J. J. J.

WAIVER OF JURY TRIAL - Each of the persons signing this Mortgage waives trial by jury in any dispute arising pursuant to this Mortgage or the Note.

SEE PAGES 1 AND 2 FOR ADDITIONAL IMPORTANT TERMS

In Witness Whereof, Mortgagor(s) hereunto subscribed (his-her-their) name(s) on the date first above written.

Eugene M. Tripp (Seal)
EUGENE TRIPP

GLORIA TRIPP (Seal)
Gloria M. Tripp (Seal)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Clearfield

On this, the 27th day of March, 01, before me Susan M. Gerber,
the undersigned notary, personally appeared Eugene Tripp and Gloria Tripp,
satisfactorily proved to me the person(s) whose name(s) is (are) subscribed to the above real estate mortgage and
acknowledged that (he-she-they) executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

NOTARIAL SEAL
SUSAN M. GERBER, NOTARY PUBLIC
CAMBRIA TWP., CAMBRIA COUNTY
MY COMMISSION EXPIRES SEPT. 27, 2004

My Commission Expires

Officer

Certificate of Residence of Mortgagee

Mortgagee hereby certifies that its address is 525 METRO PLACE NORTH, SUITE 275

DUBLIN, OH 43017

By _____

Authorized Agent on Behalf of Mortgagee

Recorded in the Office of the Recorder of Deeds in and for said County on
the _____ day of _____, ___, in Mortgage Book _____
Volume _____, page _____

Witness my hand and the seal of said office the day and year aforesaid.

Recorder
THE CIT GROUP/CONSUMER FINANCE, INC.

After Recording Mail To: PO Box 630, Marlton NJ, 08053-3941



7182 6389 3060 0510 2250

SPS SELECT
Portfolio
SERVICING, inc.

November 16, 2004

EUGENE TRIPP
GLORIA TRIPP
BOX 108 CLOVER HILL RD
MINERAL SPRINGS, PA 16855

ACT 91 NOTICE

TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

This is an official notice that the mortgage on your home is in default, and the lender intends to foreclose. Specific information about the nature of the default is provided in the attached pages.

The HOMEOWNER S MORTGAGE ASSISTANCE PROGRAM (HEMAP) may be able to help to save your home. This Notice explains how the program works.

To see if HEMAP can help, you must MEET WITH A CONSUMER CREDIT COUNSELING AGENCY WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Take this Notice with you when you meet with the Counseling Agency.

The name, address and phone number of Consumer Credit Counseling Agencies serving your County are listed at the end of this Notice. If you have any questions, you may call the Pennsylvania Housing Finance Agency toll-free at (800) 342-2397. Persons with impaired hearing can call (717) 780-1869.

This Notice contains important legal information. If you have any questions, representatives at the Consumer Credit Counseling Agency may be able to help explain it. You may also want to contact an attorney in your area. The local bar association may be able to help you find a lawyer.

LA NOTIFICACION EN ADJUSTO ES DE SUMA IMPORTANCIA, PUES AFECTA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO COPRENDE EL CONTENIDO DE ESTA NOTIFICACION OBTENGA UNA TRADUCCION INMEDIATAMENTE LLAMANDO ESTA AGENCIA (PENNSYLVANIA HOUSING FINANCE AGENCY) SIN CARGOS AL NUMERO MENCIONADO ARRIBA. PUEDES SER ELEGIBLE PARA UN PRESTAMO POR EL PROGRAMA LLAMADO HOMEOWNER S EMERGENCY MORTGAGE ASSISTANCE PROGRAM EL CUAL PUEDE SALVAR SU CASA DE LA PERDIDA DEL DERECHO A REDIMIR SU HIPOTECA.

Homeowner's Name: EUGENE TRIPP, GLORIA TRIPP
Property Address: BX 108 CLOVER HILL RD
MINERAL SPRINGS PA 16855
Loan Acct No.: 4000918963
Original Lender
Current Lender / Servicer: Select Portfolio Servicing, Inc.



HOMEOWNER S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE WHICH CAN SAVE YOUR HOME FROM FORECLOSURE AND HELP YOU MAKE FUTURE MORTGAGE PAYMENTS.

IF YOU COMPLY WITH THE PROVISIONS OF THE HOMEOWNER S EMERGENCY MORTGAGE ASSISTANCE ACT OF 1983 (THE ACT), YOU MAY BE ELIGIBLE FOR EMERGENCY MORTGAGE ASSISTANCE:

- IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL,
- IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR MORTGAGE PAYMENTS, AND
- IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY.

TEMPORARY STAY OF FORECLOSURE Under the Act, you are entitled to a temporary stay of foreclosure on your mortgage for thirty (30) days from the date of this Notice. During that time, you must arrange and attend a face-to-face meeting with one of the consumer credit counseling agencies listed at the end of this Notice. **THIS MEETING MUST OCCUR WITHIN THE NEXT (30) DAYS. IF YOU DO NOT APPLY FOR EMERGENCY MORTGAGE ASSISTANCE, YOU MUST BRING YOUR MORTGAGE UP TO DATE. THE PART OF THIS NOTICE CALLED HOW TO CURE YOUR MORTGAGE DEFAULT EXPLAINS HOW TO BRING YOUR MORTGAGE UP TO DATE.**

CONSUMER CREDIT COUNSELING AGENCIES If you meet with one of the consumer credit counseling agencies listed at the end of this Notice, the lender may NOT take action against you for thirty (30) days after the date of this meeting. The names, addresses and telephone numbers of designated consumer credit counseling agencies for the county in which the property is located are set forth at the end of this Notice. It is only necessary to schedule one face-to-face meeting. Advise your lender immediately of your intentions.

APPLICATION FOR MORTGAGE ASSISTANCE your mortgage is in default for the reasons set forth later in this Notice (see following pages for specific information about the nature of your default). If you have tried and are unable to resolve this problem with the lender, you have the right to apply for financial assistance from the Homeowner s Emergency Mortgage Assistance Program. To do so, you must fill out, sign and file a completed Homeowner s Emergency Assistance Program Application with one of the designated consumer credit counseling agencies listed at the end of this Notice. Only consumer credit counseling agencies have applications for the program and they will assist you in submitting a complete application to the Pennsylvania Housing Finance Agency. Your application MUST be filed or postmarked within thirty (30) days of your face-to-face meeting.

YOU MUST FILE YOUR APPLICATION PROMPTLY. IF YOU FAIL TO DO SO OR IF YOU DO NOT FOLLOW THE OTHER TIME PERIODS SET FORTH IN THIS LETTER, FORECLOSURE MAY PROCEED AGAINST YOUR HOME IMMEDIATELY AND YOUR APPLICATION FOR MORTGAGE ASSISTANCE WILL BE DENIED.

AGENCY ACTION Available funds for emergency mortgage assistance are very limited. They will be disbursed by the Agency under the eligibility criteria established by the Act. The Pennsylvania Housing Finance Agency has sixty (60) days to make a decision after it receives your application. During that time, no foreclosure proceedings will be pursued against you if you have met the time requirements set forth above. You will be notified directly by the Pennsylvania Housing Finance Agency of its decision on your application.

NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT

(If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance)

HOW TO CURE YOUR MORTGAGE DEFAULT (Bring it up to date)

NATURE OF THE DEFAULT:

The MORTGAGE debt held by the above lender on your property located at:

BX 108 CLOVER HILL RD
MINERAL SPRINGS PA 16855
IS SERIOUSLY IN DEFAULT because:

A. YOU HAVE NOT MADE MONTHLY MORTGAGE PAYMENTS for the following months and the following amounts are now past due:

Payment of \$419.51 per month due from 05/15/2004
through 11/15/2004 payment (a total of 7 months):

(Mortgage payment includes Escrow	
Payment of \$99.47 per month):	\$ 3,014.27
Accrued Late Charges	\$ 87.24
Non-Sufficient Funds (NSF) / Return Check Fees	\$ 0.00
Escrow Advances for Hazard Insurance,	
Real Estate Taxes and/or Municipal Liens:	\$ 1,568.64
Other Advances (Property Preservation):	\$ 0.00
Funds on Account: **	\$ 0.00
Total Amount Due:	\$ 5,344.01

*** Funds on Account typically represent a partial payment of principal and interest received that cannot be applied to the loan.*

B. YOU HAVE FAILED TO TAKE THE FOLLOWING ACTION: (Do not use if not applicable)

HOW TO CURE THE DEFAULT You may cure the default within THIRTY (30) DAYS of the date of this Notice **BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$5,344.01, PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to:**

Select Portfolio Servicing, Inc.
Remittance Processing
P.O Box 79157
Phoenix, AZ 85062

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter: (do not use if not applicable)

IF YOU DO NOT CURE THE DEFAULT If you do not cure the default within THIRTY (30) DAYS of the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.

IF THE MORTGAGE IS FORECLOSED UPON The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before the lender begins legal proceedings against you, you will still be required to pay the reasonable attorney's fees that were actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay all reasonable attorney's fees actually incurred by the lender even if they exceed \$50.00. Any attorney's fees will be added to the amount you owe the lender,

which may also include other reasonable costs. **If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney's fees.**

OTHER LENDER REMEDIES The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's sale. You may do so by paying the total amount then past due, plus any late or other charges then due, reasonable attorney's fees and costs connected with the foreclosure sale and any other costs connected with the Sheriff's Sale as specified in writing by the lender and by performing any other requirements under the mortgage. **Curing your default in the manner set forth in this notice will restore your mortgage to the same position as if you had never defaulted.**

EARLIEST POSSIBLE SHERIFF'S SALE DATE It is estimated that the earliest date that such a Sheriff's Sale of the mortgaged property could be held would be approximately six (6) months from the date of this Notice. A notice of the actual date of the Sheriff's Sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment or action will be by contacting the lender.

HOW TO CONTACT THE LENDER:

NAME OF LENDER: Select Portfolio Servicing, Inc.
Address: P.O. Box 65250
Salt Lake City, UT 84165-0250
PHONE NUMBER: 1-800-947-5513
FAX NUMBER: (801) 293-2600
Contact Person: David Smith

EFFECT OF SHERIFF'S SALE You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff's Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the lender at any time.

ASSUMPTION OF MORTGAGE Under the terms of your mortgage and note, it may, or may not, be possible to sell or transfer your home to a buyer or transferee who will assume the mortgage debt, provided that all the outstanding payments, charges and attorney's fees and costs are paid prior to or at the sale and that the other requirements of the mortgage are satisfied. You may find out at any time if your loan is assumable by contacting your lender as provided herein.

YOU MAY ALSO HAVE THE RIGHT TO:

- SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
- HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
- HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)
- ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS.
- ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE LENDER.
- SEEK PROTECTION UNDER THE FEDERAL BANKRUPTCY LAW.

CONSUMER CREDIT COUNSELING AGENCIES SERVING YOUR COUNTY

Homeowners' Emergency Assistance Program

CLEARFIELD COUNTY

Keystone Economic Development Corporation
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556
FAX (814) 539-1688

Indiana Co Community Action Program
827 Water Street, Box 187
Indiana, PA 15701
(724) 465-2657
FAX (412) 465-5118

CCCS of Western Pennsylvania, Inc.
217 East Plank Road
Altoona, PA 16602
(814) 944-8100
FAX (814) 944-5747

CCCS of Northeastern PA
1631 South Atherton Street
Suite 100
State College, PA 16801
(814) 238-3668
FAX (814) 238-3669

CCCS of Western PA
219-A College Park Plaza
Johnstown, PA 15904
(814) 539-6335

VERIFICATION

The undersigned, an officer of Select Portfolio Servicing Inc. the instant Plaintiff, or its servicing agent, being authorized to make this Verification on behalf of Plaintiff, hereby verifies that the facts set forth in the foregoing Complaint in Mortgage Foreclosure are taken from the records maintained by persons supervised by the undersigned who maintain the business records of the Mortgage held by Plaintiff in the ordinary course of business and that those facts are true and correct to the best of the knowledge, information and belief of the undersigned.

I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 P.A.C.S. SECTION 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

Dated: 1/20/05

Name : Herb Brown
Title :
Company: Select Portfolio Servicing Inc.

Herb Brown
Document Control Officer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100163
NO: 05-92-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK ONE, NATIONAL ASSOCIATION
VS.
DEFENDANT: EUGENE W. TRIPP and GLORIA K. TRIPP

SHERIFF RETURN

NOW, January 25, 2005 AT 3:03 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON EUGENE W. TRIPP DEFENDANT AT BOX 108 CLOVER HILL ROAD, MINERAL SPRINGS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO EUGENE W. TRIPP, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

6th 0 2:47 p.m. 6K
FILED
FEB 23 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100163
NO: 05-92-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK ONE, NATIONAL ASSOCIATION
vs.
DEFENDANT: EUGENE W. TRIPP and GLORIA K. TRIPP

SHERIFF RETURN

NOW, January 25, 2005 AT 3:03 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON GLORIA K. TRIPP DEFENDANT AT BOX 108 CLOVER HILL ROAD, MINERAL SPRING, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GLORIA K. TRIPP, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100163
NO: 05-92-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK ONE, NATIONAL ASSOCIATION
VS.
DEFENDANT: EUGENE W. TRIPP and GLORIA K. TRIPP

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BARBARA FEIN	42468	20.00
SHERIFF HAWKINS	BARBARA FEIN	42468	28.05

Sworn to Before Me This

23rd Day of feb 2005

Will A. Shaw

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

So Answers,

Chester A. Hawkins
by Marilyn Hahn

Chester A. Hawkins
Sheriff

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little, Esquire / I.D. No. 79992
Kevin P. Diskin, Esquire / I.D. No. 86727
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

File No. 05-12007
Loan No. 4000918963

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP and
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

FILED *Atty pd. 20.00*
m/11/15 AM *ccs/Notice*
MAR 10 2005 to Def.
by
William A. Shaw *Statement to*
Prothonotary Clerk of Courts *Atty*

PRAECIPE FOR JUDGMENT FOR FAILURE TO ANSWER
AND FOR ASSESSMENT OF DAMAGES

Kindly enter judgment for \$30,200.68 in favor of the Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, and against the Defendants, Eugene W. Tripp and Gloria K. Tripp, for failure to file an Answer to Plaintiff's Complaint in Mortgage Foreclosure within twenty (20) days from service thereof and assess Plaintiff's damages as follows and calculated from those set forth in the Complaint.

Principal balance of mortgage	\$25,496.87
Interest due and owing at the rate of 9.300% calculated from the default date through March 10, 2005	1,421.09
Late Charges due and owing under the Note in accordance with the Mortgage Instrument	87.24
Escrow Advances made by Plaintiff Mortgagee on behalf of Defendant mortgage account	1,620.64
Court Costs and fees	300.00
Attorneys' fees	1,274.84
TOTAL IN REM JUDGMENT TO BE ENTERED	\$30,200.68

TOTAL IN REM JUDGMENT TO BE ENTERED

\$30,200.68

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein
Barbara A. Fein, Esquire

AND NOW, judgment is entered in favor of the Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28 and against the Defendants, Eugene W. Tripp and Gloria K. Tripp, and damages are assessed as above in the sum of \$30,200.68.

Willie H. Hayes
Pro. Prothonotary

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

Barbara A. Fein, Esquire / I.D. No. 53002

Kristen D. Little, Esquire / I.D. No. 79992

Kevin P. Diskin, Esquire / I.D. No. 86727

425 Commerce Drive, Suite 100

Fort Washington, PA 19034

(215) 653-7450

Attorneys for Plaintiff

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates,
Series 2001-28,

Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO.

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF UTAH : :

: S.S.:

COUNTY OF SALT LAKE CITY : :

THE UNDERSIGNED being duly sworn, deposes and says that the averments herein are based upon investigations made and records maintained by us either as Plaintiff or as servicing agent of the Plaintiff herein named and that the above named Defendants are not in the Military or Naval Service of the United States of America or its Allies as defined under the Soldiers and Sailors Civil Relief Act of 1940, as amended, and that the age and last known residence and employment of each Defendant are as follows:

Defendant : Eugene W. Tripp

Age : Over 18

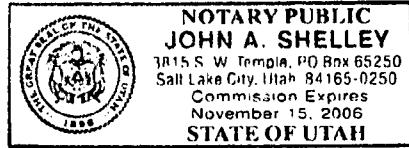
Residence : Box 108 Clover Hill Road, Mineral Springs, PA 16855

Employment : Unknown

Defendant : Gloria K. Tripp
Age : Over 18
Residence : Box 108 Clover Hill Road, Mineral Springs, PA 16855
Employment : Unknown

Sworn to and subscribed
before me this 5th
day of Feb, 2005.

J. Shelley
Notary Public



Herb Brown
NAME: **Herb Brown**
TITLE: **Document Control Officer**
COMPANY: **Select Portfolio Servicing, Inc.**

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little, Esquire / I.D. No. 79992
Kevin P. Diskin, Esquire / I.D. No. 86727
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP and
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

CERTIFICATION OF MAILING OF NOTICE UNDER PA. RCP RULE 237.1

The undersigned hereby certifies that a written Notice of Intention to File a Praeclipe for the Entry of Default Judgment was mailed to the Defendant(s) and/or to their legal counsel of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of the Praeclipe. Said Notice was sent on the date set forth in the appended copy of the Notice, sent as stated.

Eugene W. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

Gloria K. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

Dated: February 25, 2005

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein
Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little, Esquire / I.D. No. 79992
Kevin P. Diskin, Esquire / I.D. No. 86727
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP and
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

NOTICE OF INTENTION TO TAKE DEFAULT UNDER PA. RCP RULE 237.1

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.

Lawyer Referral Service
Pennsylvania Lawyer Referral Service
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

NOTIFICACION IMPORTANTE

Usted se encuentra en estado de rebeldia por no haber tomado la accion requerida de su parte en este caso. Al no tomar la accion debida dentro de un termino de diez (10) dias de la fecha de esta notificacion, el tribuna podra, sin necesidad de compararecer usted in corte o escuchar preuba alguna, dictar sentencia en su contra. Usted puede perder bienes y otros derechos importantes. Debe llevar esta notificacion a un abogado immediatamente. Si usted no tiene abogado o si no tiene dinero suficiente para tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal:

Lawyer Referral Service
Pennsylvania Lawyer Referral Service
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Date of Notice: February 25, 2005

PERSONS SERVED:

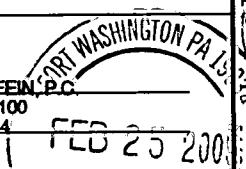
Eugene W. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

Gloria K. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

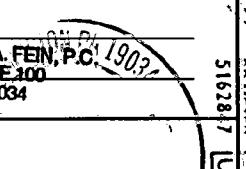
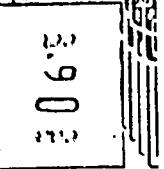
BY: _____

Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:		Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.	
<u>THE LAW OFFICES OF BARBARA A. FEIN, P.C.</u> <u>425 COMMERCE DRIVE, SUITE 100</u> <u>FORT WASHINGTON, PA 19034</u>		 	
One piece of ordinary mail addressed to: <u>Eugene W. Tripp</u> <u>Box 108 Clover Hill Road</u> <u>Mineral Springs, PA 16855</u>			

PS Form 3817, January 2001

(JEB) 05-12007-Tripp-237/Notice

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:		Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.	
<u>THE LAW OFFICES OF BARBARA A. FEIN, P.C.</u> <u>425 COMMERCE DRIVE, SUITE 100</u> <u>FORT WASHINGTON, PA 19034</u>		 	
One piece of ordinary mail addressed to: <u>Gloria K. Tripp</u> <u>Box 108 Clover Hill Road</u> <u>Mineral Springs, PA 16855</u>			

PS Form 3817, January 2001

(JEB) 05-12007-Tripp-237/Notice

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little, Esquire / I.D. No. 79992
Kevin P. Diskin, Esquire / I.D. No. 86727
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP and
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

CERTIFICATION OF ADDRESS

I, Barbara A. Fein, Esquire, Attorney for the Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, hereby certify that the Plaintiff's correct address is 3815 South West Temple, Salt Lake City, UT 84115, and the last known address of each Defendant is as below.

Eugene W. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

Gloria K. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little, Esquire / I.D. No. 79992
Kevin P. Diskin, Esquire / I. D. No. 86727
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP and
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

CERTIFICATE OF SERVICE

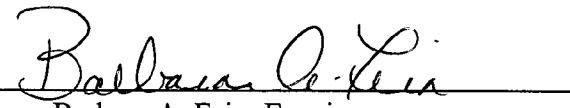
I, Barbara A. Fein, Esquire, Attorney for the Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, hereby certify that I have served a true and correct copy of the appended mortgage foreclosure pleadings/papers upon the following parties at the last known address and/or upon an attorney of record, as noted:

Eugene W. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

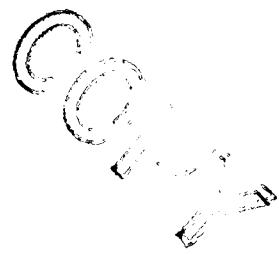
Gloria K. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Court House
230 East Market Street
Clearfield, PA 16380



WILLIAM SHAW, PROTHONOTARY

TO: Eugene W. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

Gloria K. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP and
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a judgment has been entered against you in the above captioned proceeding as indicated below.

3/10/05

WILLIAM SHAW, PROTHONOTARY

[XX] Judgment by Default Entered

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:
BARBARA A. FEIN, ESQUIRE AT (215) 653-7450.

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

Bank One, National Association
Plaintiff(s)

No.: 2005-00092-CD

Real Debt: \$30,200.68

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Eugene W. Tripp
Gloria K. Tripp
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 10, 2005

Expires: March 10, 2010

Certified from the record this 10th day of March, 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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

BANK ONE, NATIONAL
ASSOCIATION, as trustee, for the
holders of the Mortgage-Backed Pass-
Through Certificates, Series 2001-28,
Plaintiff,

COURT OF COMMON PLEAS
NO. 05-92-CD

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

**PRAECIPE TO ISSUE WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

TO THE PROTHONOTARY:

Kindly issue a Writ of Execution in the above matter, directed to the Sheriff of Clearfield County, against EUGENE W. TRIPP AND GLORIA K. TRIPP, Defendants, and real property situated at Box 108 Clover Hill Road, Mineral Springs, Township of Bradford, Clearfield County, Pennsylvania 16855.

AMOUNT DUE \$30,200.68

INTEREST FROM March 10, 2005
Through \$ _____

COSTS TO BE ADDED Prothonotary costs \$ 125.00

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein

Barbara A. Fein, Esquire
Attorney I.D. No. 53002
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450

FILED 1CC 4
m/23/05 by L. W. R. to Sheriff
MAR 24 2005 (6K)
William A. Shaw
Prothonotary/Clerk of Courts

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little, Esquire / I.D. No. 79992
Kevin P. Diskin, Esquire / I.D. No. 86727
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorney for Plaintiff

File No.
05-12007

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

AFFIDAVIT UNDER PA. RCP RULE 3129

Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, Plaintiff in the above captioned mortgage foreclosure action, sets forth as of the date the praecipe for the Writ of Execution was filed, the following information concerning the real property located at Box 108 Clover Hill Road, Mineral Springs, Township of Bradford, Clearfield County, Pennsylvania, was true and correct to the best of its knowledge, information and belief.

1. Name and address of each Owner and/or Reputed Owner:

Eugene W. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

Gloria K. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

FILED ^{NO} _{cc}
m 10:36 AM
MAR 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

2. Name and address of each Defendant named in the judgment:

Eugene W. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

Gloria K. Tripp
Box 108 Clover Hill Road
Mineral Springs, PA 16855

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

Woodland-Bigler Are Authority
P.O. Box 27
Woodland, PA 16881

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

Bank One, National Association, as trustee, Plaintiff
3815 South West Temple
Salt Lake City, UT 84115

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

None

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

Woodland-Bigler Area Authority
P.O. Box 27
2912 Hogback Hill
Woodland, PA 16881

Pennsylvania-American Water Co.
800 Hershey Park Drive
Hershey, PA 17033-2400

Christine W. Amon
2289 Barrett Road, Suite A
Woodland, PA 16881

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

Tenant/Occupant
Box 108 Clover Hill Road
Mineral Springs, PA 16855

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

Commonwealth of Pennsylvania
Department of Welfare
P.O. Box 2675
Harrisburg, PA 17105

Commonwealth of Pennsylvania
Department of Revenue
Inheritance Tax Division
Bureau of Compliance
ATTN: Terry Quigley, Esquire
Department #280946
Harrisburg, PA 17128

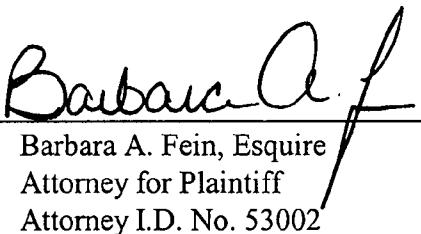
The Internal Revenue Service
Special Procedures Branch
Federated Investors Tower
Thirteenth Fl., Suite 1300
1001 Liberty Ave.
Pittsburgh, PA 15222

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

Date: March 22, 2005

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 53002

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

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

Commonwealth of Pennsylvania
County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above captioned matter, you are directed to levy upon and sell the following described real property (specifically described below):

Real property situated at:

Box 108 Clover Hill Road, Mineral Springs, Township of Bradford
Clearfield County, Pennsylvania 16855

Tax Parcel Identification Number: 106-MO9-625-27

Currently title holder(s): Eugene Tripp and Gloria Tripp

AMOUNT DUE \$30,200.68

INTEREST FROM March 10, 2005

Through _____, 2005 \$ _____

TOTAL \$ _____

Prothonotary costs 125.00

Plus costs
as endorsed.

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated: 3/24/05

BY:

(SEAL)

Deputy

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Court of Common Pleas No. 05-92-CD

BANK ONE, NATIONAL ASSOCIATION, as trustee,
for the holders of the Mortgage-Backed Pass-Through
Certificates, Series 2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND GLORIA K. TRIPP,
Defendant(s).

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

REAL DEBT \$30,200.68

INTEREST FROM March 10, 2005
_____, 2003 \$ _____

COSTS PAID:

PROTHY \$ 105.00

SHERIFF \$ _____

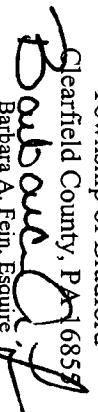
STATUTORY \$ _____

COSTS DUE PROTHY \$ _____

PREMISES:

Box 108 Clover Hill Road, Mineral Springs,
Township of Bradford

Clearfield County, PA 16857



Barbara A. Fein, Esquire
Attorney for Plaintiff
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

RECEIVED

OCT 06 2005

COURT ADMINISTRATOR'S
OFFICE

PLAINTIFF'S MEMORANDUM OF LAW
IN SUPPORT OF ITS PETITION TO CONTINUE
THE SHERIFF'S SALE OF REAL PROPERTY

Pennsylvania Rule of Civil Procedure Rule 3129.3 (b) specifically provides that:

If the sale is stayed, continued or postponed or adjourned to a date certain within one hundred days of the scheduled sale, and public announcement thereof, including the new sale date, is made to the bidders assembled at the time and place originally fixed for the sale, no new notice shall be required, but there may be only one such stay, continuance, postponement or adjournment without new notice.

Further, Rule 3129.3 (a) provides that new notice need not be given under Rule 3129 (2) if a special order of Court stays, continues, postpones or adjourns a Sheriff's Sale.

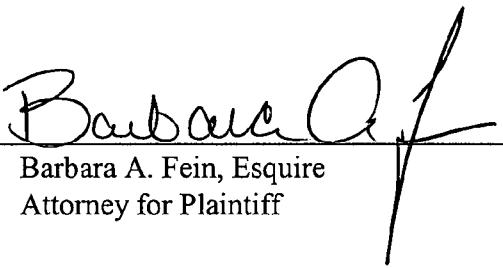
In the instant case, the Sheriff's Sale of Real Property was initially scheduled by Plaintiff for July 1, 2005, and was continued to October 7, 2005. The Plaintiff must now seek an Order of Court to further continue the Sheriff's Sale that it may comply with the notice requirements set forth at Rule 3129 (c) (3).

The defendant(s) (is/are) in no way prejudiced by the instant Petition for Continuance.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court will continue the Sheriff's Sale of the subject real property until December 2, 2005, without further advertising costs or notice and that it will further direct the Sheriff to announce said continuance at the upcoming Sale.

Respectfully Submitted,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: 

Barbara A. Fein, Esquire
Attorney for Plaintiff

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little Esquire / I.D. No. 79992
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450
Attorneys for Plaintiff

File No. 05-12007

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the
Mortgage-Backed Pass-Through
Certificates, Series 2001-28,
Plaintiff,

v.

EUGENE W. TRIPP
and GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

FILED *no cc*
m 10:18 AM
OCT 06 2005
⑥
William A. Shaw
Prothonotary/Clerk of Courts

PLAINTIFF'S PETITION TO CONTINUE SHERIFF'S SALE ON REAL PROPERTY

1. Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, filed its Complaint in Mortgage Foreclosure on real property situated at Box 108 Clover Hill Road, Township of Bradford, Clearfield County, against the Defendants, Eugene W. Tripp and Gloria K. Tripp on January 21, 2005. Judgment *in rem* was entered against the Defendants, Eugene W. Tripp and Gloria K. Tripp, in the above captioned mortgage foreclosure action on March 10, 2005.

2. The Plaintiff initially scheduled its Sheriff's Sale of the said real property with the Clearfield County Sheriff's Department for July 1, 2005. See Exhibit "A"; Notice of Sheriff's Sale.

3. On or about June 23, 2005, Plaintiff was advised that the Defendants had been approved for financial assistance through Pennsylvania Housing Finance Agency's HEMAP Program.

4. As a result of the circumstances set forth above, the Plaintiff was obliged to place this foreclosure action on hold and to postpone the Sheriff's Sale scheduled for July 1, 2005 to October 7, 2005.

5. The Defendants failed to appear at the closing which Pennsylvania Housing Finance Agency had scheduled for September 20, 2005. As a result, PHFA has since rescinded the Defendant's approval and this Plaintiff's now intends to proceed with its Foreclosure action. See Exhibit "B", HEMAP Status Search.

6. Plaintiff must now notify lienholders of the pending Sheriff's Sale, so that their interests might be extinguished by said Sheriff's Sale.

7. The Plaintiff requests this Honorable Court grant Plaintiff's Petition to Continue the Sheriff's Sale from October 7, 2005 to December 2, 2005.

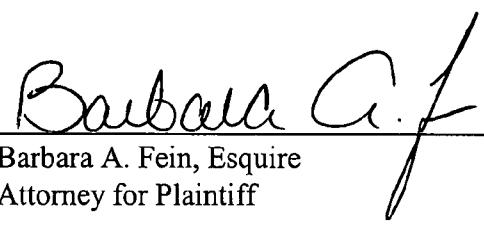
8. The continuance sought by the Plaintiff will in no way prejudice the Defendants.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court will continue the Sheriff's Sale of the subject real property until December 2, 2005, without further advertising costs or notice and that it will further direct the Sheriff to announce said continuance at the upcoming Sale.

Respectfully Submitted,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:


Barbara A. Fein, Esquire
Attorney for Plaintiff



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office
Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

PETER F. SMITH
SOLICITOR

BARBARA A. FEIN, P.C.
425 COMMERCE DRIVE
SUITE 100
FORT WASHINGTON, PA. 19034

May 19, 2005

**RE: BANK ONE, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE MORTGAGE-BACKED
PASS-THROUGH CERTIFICATES SERIES 2001-28**

vs.

EUGENE W. TRIPP AND GLORIA K. TRIPP

NO 05-92-CD

Dear BARBARA A. FEIN, ESQ.:

This is notice that a Sheriff Sale has been set in the above mentioned execution for Friday, July 1, 2005 at 10:00 A.M. in our office.

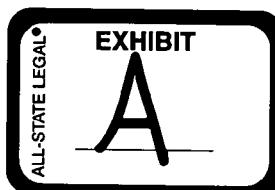
You must have a representative present at the sale or it will be returned as abandoned. If you have any questions, please feel free to call me at 814-765-2641, ext. 1361. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Cynthia Butler-Aughenbaugh".

Cynthia Butler-Aughenbaugh
Office Manager

Enclosure



HEMAP Application Search

Jessica McVittie
The Law Offices
of Barbara A.
Fein
Last Login: 2005-
10-05-13.08.35

Borrower
Social Security
(numbers only)

-OR-

Lending
Institution
Loan Number
(must enter with
dashes,
slashes,
spaces, etc.
exactly as
number was
provided by the
lender)

Search

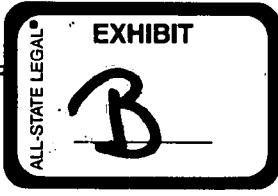
Log out

Additional Search Information/Limitations(click on each question mark)

② Search Method ② Dates ② Time Limits ② Multiple Applications ② Status Code/Date

Search Results

Applicant Information	Current Status
Borrowers Gloria Tripp	Act 91 Notice Date 11/16/2004 Counseling Agency Meeting Date 02/04/2005



Date Application Received by PHFA	02/14/2005
Application Status	Approval Rescinded
Application Status Date	09/27/2005

94 Clover Hill Rd
Mineral Springs, Pa 16855



Pennsylvania Housing Finance Agency
Copyright © 2005
All rights reserved.

VERIFICATION

Barbara A. Fein, Esquire, hereby states that she is the Attorney for the Plaintiff in this action, that she is authorized to make this Affidavit, and that the statements made in the foregoing Plaintiff's Petition to Continue Sheriff's Foreclosure Sale on Real Property are true and correct to the best of her knowledge, information and belief.

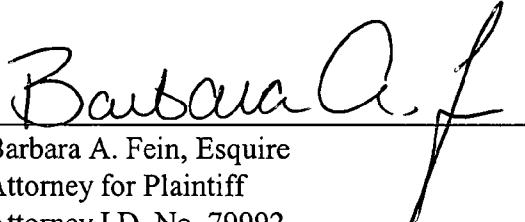
The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Dated: October 5, 2005

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: _____

Barbara A. Fein, Esquire
Attorney for Plaintiff
Attorney I.D. No. 79992



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,

Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

NO. 05-92-CD

FILED *ICC*
OCT 07 2005
William A. Shaw *Copy to*
Prothonotary/Clerk of Courts *Sheriff*

O R D E R

AND NOW, this 7th day of *October*, 2005, upon consideration of the Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28's Petition to Continue the Sheriff's Sale on Real Property situated at Box 108 Clover Hill Road, Township of Bradford, Clearfield County, and after notice of the filing of said Petition having been sent to each Defendant at his/her last known address, it is hereby

ORDERED that the Clearfield County Sheriff's Sale of the aforementioned real property be continued to December 2, 2005, at the location previously noticed on all parties without further advertising, but that all creditors and parties in interest shall be given notice of the new sale date in accordance with Pennsylvania Rule of Civil Procedure Rule 3129.1; and it is further

ORDERED that the Clearfield County Sheriff announce said continuance at the Sheriff's Sale on October 7, 2005.

BY THE COURT:

Jeff Clegg
J.

THE LAW OFFICES OF BARBARA A. FEIN, P.C.
Barbara A. Fein, Esquire / I.D. No. 53002
Kristen D. Little, Esquire / I.D. No. 79992
Suite 100, 425 Commerce Drive
Fort Washington, PA 19034
(215) 653-7450
Attorney for Plaintiff

05-12007

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

FILED
m/j: 403
OCT 17 2005
SFC

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATION OF NOTICES OF SALE TO LIENHOLDERS

I, Katrina Booker, Paralegal to Barbara A. Fein, Esquire, attorney for Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28, hereby certify that upon information and belief, diligent efforts have been made to identify all persons/entities having mortgages, judgments, liens, or other interest in the subject premises of the foreclosure proceeding, and that such persons/entities have been sent Notices of Sheriff's Sale (attached hereto as Exhibit "A") and that said Notices were duly served upon them in accordance with Pennsylvania Rule of Civil Procedure Rule 3129. (Proof of mailing with a postmark date of October 13, 2005 is appended hereto and incorporated herein by reference as Exhibit "B").

I declare under penalty of perjury that the foregoing is true and correct.

October 14, 2005

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Katrina Booker
Katrina Booker, Paralegal
to Barbara A. Fein, Esquire
Attorney for Plaintiff

cc. Sheriff's Department

THE LAW OFFICES OF
BARBARA A. FEIN, P.C.

NEW JERSEY OFFICE
20000 Horizon Way, Suite 900
Mount Laurel, New Jersey 08054-4318

(856) 596-5552

Barbara A. Fein, Esquire
Kristen D. Little, Esquire
Kevin P. Diskin, Esquire

*Member of Pennsylvania
and New Jersey Bars*

Suite 100
425 Commerce Drive
Fort Washington, PA 19034

(215) 653-7450
FAX: (215) 653-7454

PITTSBURGH OFFICE
110 Atwood Street, No. 680
Pittsburgh, PA 15213

(412) 361-8286

File No. 05-12007

March 22, 2005

NOTICE OF CLEARFIELD COUNTY SHERIFF'S SALE

TO: All Parties in Interest and Claimants

OWNER(S): EUGENE W. TRIPP AND
GLORIA K. TRIPP

PROPERTY: Box 108 Clover Hill Road
Mineral Springs, Township of Bradford
County of Clearfield, PA 16855

Improvements:
Two Story Residential Dwelling

Clearfield County
Court of Common Pleas
No. 05-92-CD

Please be advised that the above captioned property (and any improvements thereon) is scheduled to be sold by the Clearfield County Sheriff's Department on

December 2, 2005, at 10:00 O'Clock

in the office of the Clearfield County Sheriff's Department, at the Clearfield County Court House 1 North Second Street, Clearfield, PA 16380. This sale is scheduled pursuant to a judgment entered in the amount of \$30,200.68 in the Court of Common Pleas for Clearfield County.

Our records indicate that you may hold a mortgage or judgment on the property which may be extinguished (removed) by the sale. You may wish to attend the sale to protect your interests.

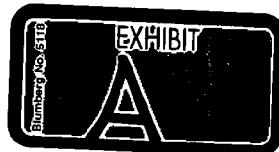
A schedule of distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after the sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days after the filing of the schedule. You may call the Clearfield County Sheriff's Department at (814) 765-2641, at Extension 5986, for the date on which the distribution schedule will be posted.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein

Barbara A. Fein, Esquire
Attorney for Plaintiff



ALL THAT CERTAIN lot or parcel of land situate in Mineral Springs, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at and iron post on an unnamed street; thence by said unnamed street north nine (9) degrees twenty-five (25) minutes west one hundred sixteen (116) feet to an iron pin at the southwest corner of lot of Wade J. Schickling; thence by Wade J. Schickline lot north eighty-six (86) degrees fifty (50) minutes east one hundred nine and three-tenths (109.3) tenths feet to an iron pin on line of lot of Howard P. Oswald; thence by line of Howard P. Oswald south five(5) degrees east one hundred twenty-five (125) feet to an iron pin on the line of land of Ciara Jane Rothrock; thence by the same north eighty-seven (87) degrees forty-five (45) minutes west one hundred and five tenths (100.5) feet to an iron post at the southwestern corner of the parcel hereby conveyed and the place of beginning.

Commonly known as: Box 108 Clover Hill Road, Mineral Springs, PA 16855.

Title is vested in: Eugene Tripp and Gloria Tripp, by Deed from Eugene Tripp and Gloria Tripp, dated 09/30/1993, recorded 09/30/1993, book: 1559, page 452.

Tax Parcel #: 106-M9-625-27

NAME AND
ADDRESS
OF SENDER

► The Law Offices of Barbara A. Fein, P.C.
425 Commerce Drive, Suite 100
Fort Washington, PA 19034

Indicate type of mail Registered
 Insured C.O.D.
 Certified Express Mail

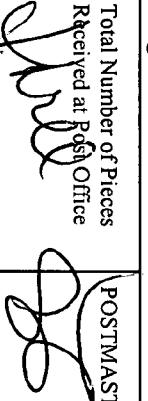
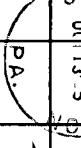
Check appropriate block for
 Registered Mail:
 With Postal Insurance
 Without Postal Insurance

Tripp 12007 KR 1/2
 Affix stamps here if issued as certificate of
 mailing or for additional copies of this bill.
 POSTMARK AND DATE OF RECEIPT

Line Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Def. Fee Remarks
1. 1.	Woodland-Bigler Area Authority P.O. Box 27 Woodland, PA 16881	.37	.25								
2. 2.	Woodland-Bigler Area Authority P.O. Box 27 2912 Hogback Hill Woodland, PA 16881	.37	.25								
3. 3.	Pennsylvania-American Water Co. 800 Hershey Park Drive Hershey, PA 17033-2400	.37	.25								
4. 4.	Christine W. Amon 2289 Barrett Road, Suite A Woodland, PA 16881	.37	.25								
5. 5.	Tenant/Occupant Box 108 Clover Hill Road Mineral Springs, PA 16855	.37	.25								
6. 6.	Clearfield County Domestic Relations 230 East Market Street Clearfield, PA 16830	.37	.25								
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER PER (Name of receiving employee)									

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply on to Third and Fourth Class parcels. Special delivery service also includes special handling service.

EXHIBIT "B"

NAME AND ADDRESS OF SENDER		The Law Offices of Barbara A. Fein, P.C. 425 Commerce Drive, Suite 100 Fort Washington, PA 19034				Indicate type of mail Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Without Postal Insurance				Check appropriate block for Registered Mail: <input type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance				Tripp 12007 KR 2/2 Affix stamps here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT					
Line Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender If C.O.D.	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Def. Fee Remarks								
1. 1.	Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105																		
2. 2.	Commonwealth of Pennsylvania Department of Revenue Inheritance Tax Division Bureau of Compliance ATTN: Terry Quigley, Esquire Department #280946 Harrisburg, PA 17128																		
3. 3.	The Internal Revenue Service Special Procedures Branch Federated Investors Tower Thirteenth Fl., Suite 1300 1001 Liberty Ave. Pittsburgh, PA 15222	37	.25																
Total Number of Pieces Listed by Sender 3		Total Number of Pieces Received at Post Office <i>3</i>								 PA. PA. 5162 47 U.S. POSTAGE									
POSTMASTER, PER (Name of receiving employee) <i>John</i>												<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for C.O.D. and \$400 for Insured Mail. Special handling charges apply on to Third- and Fourth- Class parcels. Special delivery service also includes special handling service.</p>							

FORM MUST BE COMPLETED BY TYPEWRITER, INC OR BALL POINT PEN

* U.S. Government Printing Office 1983-396-297

EXHIBIT "B"

OCT 13 2005

USPS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20126
NO: 05-92-CD

PLAINTIFF: BANK ONE, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE MORTGAGE-BACKED PASS-THROUGH CERTIFICATES SERIES 2001-28

vs.

DEFENDANT: EUGENE W. TRIPP AND GLORIA K. TRIPP

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 03/24/2005

LEVY TAKEN 05/20/2005 @ 9:37 AM

POSTED 05/20/2005 @ 9:37 AM

SALE HELD 12/02/2005

FILED
01/10/06
JAN 23 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

SOLD TO BANK ONE, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE MORTGAGE-BACKED PASS-THROUGH CERTIFICATES SERIES 2001

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 01/23/2006

DATE DEED FILED 01/23/2006

PROPERTY ADDRESS BOX 108 CLOVER HILL ROAD MINERAL SPRINGS , PA 16855

SERVICES

06/06/2005 @ 8:20 AM SERVED EUGENE W. TRIPP

SERVED EUGENE W. TRIPP, DEFENDANT AT HIS RESIDENCE BOX 108 CLOVER HILL ROAD, MINERAL SPRINGS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GLORIA K. TRIPP WIFE/DEFENDANT

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

06/06/2005 @ 8:20 AM SERVED GLORIA K. TRIPP

SERVED GLORIA K. TRIPP, DEFENDANT, AT HER RESIDENCE BOX 108 CLOVER HILL ROAD, MINERAL SPRINGS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GLORIA K. TRIPP

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

@ SERVED

NOW, JUNE 24, 2005 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF'S SALE SCHEDULED FOR JULY 1, 2005 TO OCTOBER 7, 2005.

@ SERVED

NOW, OCTOBER 7, 2005 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF'S SALE SCHEDULED FOR OCTOBER 7, 2005 TO DECEMBER 2, 2005. PER COURT ORDER NO FURTHER ADVERTISING REQUIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20126
NO: 05-92-CD

PLAINTIFF: BANK ONE, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE
MORTGAGE-BACKED PASS-THROUGH CERTIFICATES SERIES 2001-28

vs.

DEFENDANT: EUGENE W. TRIPP AND GLORIA K. TRIPP

Execution REAL ESTATE

SHERIFF RETURN

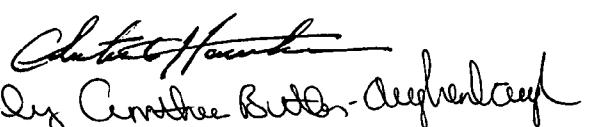
SHERIFF HAWKINS \$271.96

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2006

So Answers,


by *Christie Butcher* - *Deputy Sheriff*
Chester A. Hawkins
Sheriff

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

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 05-92-CD

Commonwealth of Pennsylvania
County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above captioned matter, you are directed to levy upon and sell the following described real property (specifically described below):

Real property situated at:

Box 108 Clover Hill Road, Mineral Springs, Township of Bradford
Clearfield County, Pennsylvania 16855

Tax Parcel Identification Number: 106-MO9-625-27

Currently title holder(s): Eugene Tripp and Gloria Tripp

AMOUNT DUE \$30,200.68

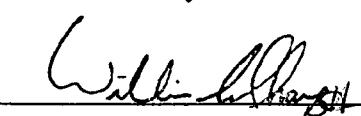
INTEREST FROM March 10, 2005

Through _____, 2005 \$ _____

TOTAL \$ _____

Plus costs
as endorsed.

Prothonotary costs 125.00



Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated: 3/24/05

Received March 24, 2005 @ 3:15 P.M.
Chester A. Hawkins

(SEAL)
By Cynthia Butler - Deputy Sheriff

BY:

Deputy

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Court of Common Pleas No. 05-92-CD

BANK ONE, NATIONAL ASSOCIATION, as trustee,
for the holders of the Mortgage-Backed Pass-Through
Certificates, Series 2001-28,
Plaintiff,

v.

EUGENE W. TRIPP AND GLORIA K. TRIPP,
Defendant(s).

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

REAL DEBT \$30,200.68

INTEREST FROM March 10, 2005
_____, 2003 \$ _____

COSTS PAID:

PROTHY \$ 105.00

SHERIFF \$ _____

STATUTORY \$ _____

COSTS DUE PROTHY \$ _____

PREMISES:

Box 108 Clover Hill Road, Mineral Springs,
Township of Bradford

Clearfield County, PA 16857


Barbara A. Fein, Esquire

Attorney for Plaintiff
425 Commerce Drive, Suite 100
Fort Washington, PA 19034
(215) 653-7450

ALL THAT CERTAIN lot or parcel of land situate in Mineral Springs, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at and iron post on an unnamed street; thence by said unnamed street north nine (9) degrees twenty-five (25) minutes west one hundred sixteen (116) feet to an iron pin at the southwest corner of lot of Wade J. Schickling; thence by Wade J. Schickline lot north eighty-six (86) degrees fifty (50) minutes east one hundred nine and three-tenths (109.3) tenths feet to an iron pin on line of lot of Howard P. Oswald; thence by line of Howard P. Oswald south five(5) degrees east one hundred twenty-five (125) feet to an iron pin on the line of land of Ciara Jane Rothrock; thence by the same north eighty-seven (87) degrees forty-five (45) minutes west one hundred and five tenths (100.5) feet to an iron post at the southwestern corner of the parcel hereby conveyed and the place of beginning.

Commonly known as: Box 108 Clover Hill Road, Mineral Springs, PA 16855.

Title is vested in: Eugene Tripp and Gloria Tripp, by Deed from Eugene Tripp and Gloria Tripp, dated 09/30/1993, recorded 09/30/1993, book: 1559, page 452.

Tax Parcel #: 106-M9-625-27

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME EUGENE W. TRIPP NO. 05-92-CD

NOW, January 23, 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 December 02, 2005, I exposed the within described real estate of Eugene W. Tripp And Gloria K. Tripp to public venue or outcry at which time and place I sold the same to BANK ONE, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE MORTGAGE-BACKED PASS-THROUGH CERTIFICATES SERIES 2001 he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00	DEBT-AMOUNT DUE	30,200.68
SERVICE	15.00	INTEREST @ %	0.00
MILEAGE	4.05	FROM TO 12/02/2005	
LEVY	15.00		
MILEAGE	4.05	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	6.66	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	40.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED	30.00	PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	16.20	MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	1.00	TOTAL DEBT AND INTEREST	\$30,240.68
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	362.02
BILLING/PHONE/FAX	10.00	TAXES - COLLECTOR	410.79
CONTINUED SALES	40.00	TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$271.96	LIEN SEARCH	200.00
DEED COSTS:		ACKNOWLEDGEMENT	5.00
ACKNOWLEDGEMENT	5.00	DEED COSTS	28.50
REGISTER & RECORDER	28.50	SHERIFF COSTS	271.96
TRANSFER TAX 2%	0.00	LEGAL JOURNAL COSTS	180.00
TOTAL DEED COSTS	\$28.50	PROTHONOTARY	125.00
		MORTGAGE SEARCH	80.00
		MUNICIPAL LIEN	4.85
		TOTAL COSTS	\$1,668.12

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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK ONE, NATIONAL ASSOCIATION,
as trustee, for the holders of the Mortgage-
Backed Pass-Through Certificates, Series
2001-28,

Plaintiff,

v.

EUGENE W. TRIPP AND
GLORIA K. TRIPP,
Defendants.

NO. 05-92-CD

FILED
OCT 07 2005
William A. Shaw, Copy to
Prothonotary/Clerk of Courts Staff
FBI

ORDER

AND NOW, this 7th day of October, 2005, upon consideration of the Plaintiff, Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28's Petition to Continue the Sheriff's Sale on Real Property situated at Box 108 Clover Hill Road, Township of Bradford, Clearfield County, and after notice of the filing of said Petition having been sent to each Defendant at his/her last known address, it is hereby

ORDERED that the Clearfield County Sheriff's Sale of the aforementioned real property be continued to December 2, 2005, at the location previously noticed on all parties without further advertising, but that all creditors and parties in interest shall be given notice of the new sale date in accordance with Pennsylvania Rule of Civil Procedure Rule 3129.1; and it is further

ORDERED that the Clearfield County Sheriff announce said continuance at the Sheriff's Sale on October 7, 2005.

BY THE COURT:



J.

THE LAW OFFICES OF
BARBARA A. FEIN, P.C.

425 Commerce Drive, Suite 100
Fort Washington, PA 19034

NEW JERSEY OFFICE

20000 Horizon Way, Suite 900
Mount Laurel, NJ 08054-4318

Phone: (856) 596-5552
Fax: (856) 596-5589

File No. 05-12007

Barbara A. Fein, Esquire
Kristen D. Little, Esquire

Members of Pennsylvania
and New Jersey Bars

Phone: (215) 653-7450
Fax: (215) 653-7454

Direct E-mail: KatrinaB@lobaf.com
Direct Phone Ext. 112

October 7, 2005

Clearfield County Sheriff's Department
ATTN: Real Estate Division
VIA FAX (814) 765-5915

Re: Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28 v. Eugene W. Tripp and Gloria K. Tripp
Clearfield County Court of Common Pleas
Docket No. 05-92-CD;
Box 108 Clover Hill Road, Township of Bradford, Mineral Springs

Dear Cindy:

Kindly continue the above referenced Sheriff Sale from October 7, 2005 to December 2, 2005. Please announce same at the sale scheduled in October. A Motion to Postpone the Sale is in the Judge's chamber and we await confirmation that Court Order has been signed. If you have any questions, please do not hesitate to call.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: 
Katrina Booker, Paralegal
Barbara A. Fein, Esquire

THE LAW OFFICES OF
BARBARA A. FEIN, P.C.

NEW JERSEY OFFICE
20000 Horizon Way, Suite 900
Mount Laurel, NJ 08054-4318
(856) 296-5552

Barbara A. Fein, Esquire
Kristen D. Littie, Esquire

Members of Pennsylvania
and New Jersey Bars

425 Commerce Drive
Suite 100
Fort Washington, PA 19034

(215) 653-7450

FAX: (215) 653-7454

e-mail address:
lobaf@aol.com

PITTSBURGH OFFICE
110 Altwood Street, No. 680
Pittsburgh, PA 15213

(412) 361-8286

File No. 05-12007

PLEASE RESPOND TO OUR
FORT WASHINGTON OFFICE

PHONE EXT. 112
E-Mail Address: KatrinaB@lobaf.com

June 24, 2005

Clearfield County Sheriff's Department
ATTN: Real Estate Division
VIA FAX (814) 765-5915

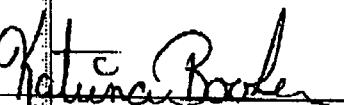
Re: Bank One, National Association, as trustee for the holders of the Mortgage-Backed Pass-Through Certificates, Series 2001-28 v. Eugene W. Tripp and Gloria K. Tripp
Clearfield County Court of Common Pleas
Docket No. 05-92-CD;
Box 108 Clover Hill Road, Township of Bradford, Mineral Springs

Dear Sir or Madam:

Kindly continue the above referenced Sheriff Sale from July 1, 2005 to October 7, 2005. Please announce same at the sale scheduled in July. The continuance is the first requested for the above case, thus an Order of Court is not required. If you have any questions, please do not hesitate to call.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: 
Katrina Booker, Paralegal
Barbara A. Fein, Esquire